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PROCEEDINGS

OF THE

Missouri State Convention,

HELD IN

JEFFERSON CITY,

JUNE, 1862.

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MISSOURI STATE CONVENTION,

HELD IN JEFFERSON CITY, JUNE, 1862.

FIRST DAY.

JEFFERSON CITY, June 2, 1862.

The Convention was called to order by the President at 45 minutes past 11.

Prayer was offered by Elder T. M. ALLEN.

Mr. SHANKLIN, the newly elected member from the Ninth District, in place of Mr. TINDALL, deceased, presented his credentials, and was sworn in by the President.

The roll was then called and thirty-two members answered to their names as follows:

Messrs. Allen, Bogy, Breckinridge, Broadhead, Brown, Collier, Comingo, Douglass, Dunn, Henderson, Hitchcock, How, Howell, Jackson, Leeper, Linton, Long, McCormack, McDowell, Meyer, Moss, Orr, Pomeroy, Ray, Rowland, Shanklin, Smith of St. Louis, Waller, Welch, Woolfolk, Van Buskirk, Mr. President—32.

There being less than a quorum of members, the Convention, on motion of Mr. BOGY, adjourned to 5 o'clock.

AFTERNOON SESSION.

The Convention met at 5 o'clock.

The roll was called, and 58 members answered to their names. The names of the additional members are as follows:

Messrs. Bush, Cayce, Doniphan, Eitzen, Flood, Graham, Hall of Buchanan, Holmes, Hudgins, Irwin, Campbell, Jamison, Kidd, Marmaduke, Marvin, Matson, McClurg, McFerran, Phillips, Pipkin, Rankin, Scott, Shackelford of St. Louis, Smith of Linn, Stewart, and Zimmerman.

APPOINTMENT OF A CHAPLAIN.

Mr. ROWLAND offered the following:

Resolved, That Elder THOMAS M. ALLEN be and is hereby appointed Chaplain during the present session.

Mr. WELCH. It occurs to me that the office is already filled, and that it would require a resolution to declare the office vacant.

Mr. STEWART. I have no distinct recollection as to who filled that office.

The PRESIDENT. Dr. Monroe.

Mr. STEWART. Is he Secesh or Union? If he is Secesh, I move that he be expelled.

Mr. ROWLAND. I offered the resolution because I was informed that we had no Chaplain. Mr. ALLEN is present, and ready and willing to perform the duties of that office. He has always been loyal, and I hope the resolution will be adopted.

The resolution was adopted.

MESSAGE FROM THE GOVERNOR.

The PRESIDENT laid before the Convention the following communication from the Governor, which was read by the Clerk:

Gentlemen of the Convention:

You have again been called together because there is no other body in existence that can adopt the measures which the present condition of the State demands.

In order to a proper understanding of our condition, and to a judicious exercise of the powers with which the Convention is clothed, it may be profitable to glance rapidly at the events which have occurred within the past year.

After the adjournment on the 22d day of March, 1861, and after you had solemnly expressed the judgment of the people of the State that there was no sufficient cause for disturbing the relations existing between the State and the United States, there was manifest on the part of those exercising the executive and legislative powers of the State a persistent purpose to dissolve our connection with the General Government, and attach us to what is called the Southern Confederacy. This purpose was exhibited in acts tending to a military collision between the State and General Government, and finally produced the battle of Boonville on the 18th day of June last.

From that time the Governor fled before the military authority of the United States, charged as a citizen of the United States with treason against his Government, other high executive officers and many of the members of the Legislature being implicated in the same charge of treason, in like manner fled, and abandoned their offices. Thus it happened when you again assembled, in July last, you found the State Government in ruins, with no magistracy in a condition to exercise the powers which were conferred upon them by the Constitution, in order to maintain the peace of the State and the security of the people. It was among the wise orderings of a kind Providence that the Convention should, at such a crisis, be in existence, and capable of meeting the emergency. The alternative was presented to you of allowing the State Government to remain in ruins, with anarchy universally prevailing, with no power to preserve order, except as it might be exercised by a soldiery chiefly from other States, or attempting to rear again the Government of the State, that the reign of law might be re-established. You chose the latter, and organized the Provisional Government. Your power to do so cannot be successfully questioned. The necessity for your action will be admitted by every person who understands what was then the condition of the State, and the wisdom of your action would seem to be established by the improvement that has since taken place in our condition.

If we look back to the time of establishing the Provisional Government, we will see such a state of affairs as might well have justified a feeling of despondency as to the restoration of peace and order. Civil war was fully inaugurated; the popular mind was greatly inflamed; disregard of law universally reigned; there was no military force to enforce law and preserve order; there were no arms belonging to the State to put into the hands of a military force if we had had one; there was no money in the treasury with which to purchase arms or subsist soldiers; there was no State credit upon which to raise money; and, moreover, a very large majority of all the public offices of the State were in the hands of persons hostile to the Government of the United States, sympathizing with those engaged in the rebellion, and opposed to your attempt to restore peace. Under such circumstances, it was not surprising that some should have despaired of the success of the experiment to restore a quick and peaceful administration of the State Government. Yet it was the only hope that was left to those who really desired to preserve the State Government in actual operation.

In order to prepare a force to preserve the peace of the State, a call was made for forty-two thousand volunteers, on the 24th of August last, to serve six months. After this call was made, many hindrances were thrown in the way of its being answered. Officers and men belonging to regiments in the service of the United States, depreciated the State service by representing the utter uncertainty of the men ever receiving either their pay, clothing, or subsistence. These representations were made, not only by persons raising troops as Missouri volunteers, but by others who were in regiments belonging to other States, who desired to swell their own ranks. Unfortunately the real state of facts gave too much color of truth to these representations, and rendered them the more effectual hindrances to the raising the number of volunteers called for. Still, more than six thousand men volunteered, and were organized into battalions and regiments, under the act of 1859, which had been re-enacted by the Convention.

As the recruiting advanced, the difficulty of providing arms and subsistence became more apparent, and as applications to the Commanding General of the Department for arms were unavailing, it became necessary to have a personal conference with the authorities at Washington. By such conference, arms were obtained, and the sum of $200,000 was advanced by the United States, out of an appropriation made in July last for the purpose of aiding the loyal citizens in States where rebellion existed. With this comparatively small sum, the attempt was to be made to provide the absolute necessaries required by the troops, particularly the articles which could be purchased only for cash. And it is proper here to bear testimony to the patient fortitude with which they bore the privations to which they were subjected. It was plainly impossible to supply them out of this sum with the full allowance to which soldiers in the service of the United States are entitled, and it became indispensably necessary to practice the greatest economy in order to provide them even with indispensable necessaries. One of the most painful duties was to be obliged to listen to the recital of their wants, with the knowledge that they could not be properly met. As the period approached at which they ought to be paid, the difficulty of meeting their reasonable demands for pay was to be met. Your ordinance, passed at the October session, provided for meeting the expense of the whole force, by authorizing the issue of Defense Warrants, not to exceed a million of dollars. This measure relieved the Executive from the apprehension of immediate embarrassment, but was inadequate to the full support of any considerable force for a long period. It was plainly necessary that some more permanent provisions should be made, in order to make the force large enough to be efficient, and at the same time free the State treasury from a burden it could not bear.

In order to accomplish this end, another personal conference was sought with the President, and as the result, an engagement was effected under which the Government of the United States undertook to bear all the expense of a military force to be raised for the defense of the State during the war, to be organized in the manner provided for the organization of the volunteers in the service of the United States. It was thought that this arrangement would be at once received by the troops already in the service of the State as a guarantee of future, certain and regular subsistence and pay, and that they would promptly embrace the proposition to organize under it. But as they were already entitled to pay which they had not received, and as many of them could not leave their families to serve in distant parts of the State during the war, it was found that they hesitated to engage in the new service.

It was apparent that to have two classes of troops at the same time in the service of the State, one supported and paid by the United States and the other by the State, would produce endless confusion and difficulty. The expense of the force organized under the act of 1859 was greatly enhanced by the great proportion of officers allowed for the number of men enlisted as privates. It was, therefore, judged necessary to the interest of the State and of the service, to pay off the six months' men and disband them, in order that those who could serve for the war might engage in the force about to be raised and supported at the expense of the United States.

The arrangement made with the President gave an impetus to the enlistment of volunteers, but a construction was given to the agreement which required a whole company of eighty three men to be raised before the men could be subsisted, clothed and paid by the United States. Although there had been received from the United States an additional sum of $250,000, it became apparent that this money would soon be consumed in furnishing subsistence and clothing to recruits until each company was ready to be mustered into service with eighty-three men. It became necessary, therefore, to have again a personal conference with the authorities at Washington, in order to have the agreement carried out in its true spirit. This was effected, and the men were ordered to be mustered into service singly as they were recruited, and to receive their subsistence and clothing at once from the proper officers of the United States.

When the military service of the State was placed upon this basis, it was immediately apparent that all difficulty in raising an adequate force was removed. Authorities to raise regiments and companies, and to raise recruits generally, were given out, and all was progressing well when Congress interposed and limited the number to be paid to ten thousand men. Orders had to be issued to stop recruiting, but as the returns came in it has been found that we have more than twelve thousand men, and it remains to be known whether Congress will, with the liberality which has characterized the conduct of the Executive Department towards us, provide for the payment of this excess. When the order to stop recruiting was issued, it found fragments of regiments which had to be consolidated, often requiring several to make a complete regiment. This necessity, of course, produced dissatisfaction among persons who had expected to command regiments, but found themselves reduced to lower field officers in the consolidated regiments. The duty of making the consolidation, however, was unavoidable. There are now fifteen regiments and two battalions, with two batteries of artillery in the field, all fully equipped and armed, ready to serve in any portion of the State where an enemy may appear. The men are our own people. The officers are chiefly selected from our own citizens, and as all will be held responsible for wrongs committed upon the people of the State, there is every reason to anticipate that the rights of the people will be respected.

It was a part of the arrangement made with the President that, in order to preserve unity of command, the Major General of the Department should be commissioned Major General of the State militia. Maj. Gen. Halleck is, therefore, the Major General of the Missouri State Militia. The immediate command has been by him turned over to Brigadier General Schofield, of the volunteer service, commissioned Brigadier of the State troops. He is a regularly educated and talented officer of the Army of the United States, distinguished in actual service, and has rendered to the State very valuable assistance in organizing our forces and selecting the officers.

The other Brigadiers of the State militia are Gen. Loan, Gen. Totten, and Gen. Brown, all of whom have been selected on account of their qualifications to command forces within the State. Gen. Totten is known to the country as an officer of the regular army, who distinguished himself as an officer of artillery at the battle of Wilson's Creek.

Considering the extent of the country to be covered, the force is small, but they are capable of rapid movement, and can be soon concentrated wherever they are required.

This is given as a brief but sufficient statement of what has been done to provide a military force for the preservation of the peace and order of the State, and it would be wrong to conclude it without expressing a high sense of the obligations we are under to the Government of the United States for the promptitude and liberality with which our most pressing wants have been supplied.

In paying the troops that have been called into service for six months, and in defraying the expenses incurred in the support of that force, there has been issued to the disbursing officers the sum of $720,000, in Defense Warrants, and there will have to be issued a further amount, which may swell the aggregate to $775,000. The amount in circulation has already been reduced $100,000, by receipts into the Treasury for the taxes of 1861 from only forty-one counties. It will, therefore, be seen that the whole amount issued will very soon be absorbed. Most unfortunately for the men who received this paper for their services, efforts were too successfully made to depreciate it, as well by those who were opposed to the Government, as by those who sought only their own profit by speculating in it. Thus, at one time, it fell to seventy cents on the dollar, and afterwards rose to eighty and eighty-five. Yet its ultimate redemption is, in fact, better secured than that of any bank paper in the State, because it is receivable in payment of taxes—when the taxes of a single year would absorb it all; and it has a specific collateral security of bank stock pledged to its redemption. And, moreover, the debt was incurred in doing what the United States Government was bound to do—that is, in defending the State against those who were in insurrection against that Government, and therefore that Government is bound to bear the burden of this debt. This, no doubt, will be attended to by the Senators and Representatives of the State in Congress. Under such circumstances, it is to be regretted that the soldiers to whom the paper was issued have been obliged by their necessities to submit to the extortion of money-changers.

Turning now to the financial condition of the State, we find that the Provisional Government commenced with a prospect as little flattering as could well be conceived.

There was so small a sum in the Treasury, and it subject to previous appropriations, that it is right to call the Treasury empty. Our credit was gone, because we had already failed to pay our July interest. The sheriffs of counties rather than attempt to collect the taxes of last year, were resigning their offices, and such was the state of the country that there appeared but little ground to hope that money sufficient would be collected to carry on the government. Even now, after quiet has been restored in a large part of the State, the Auditor reports that but in forty-one counties have the Sheriffs receipted for the tax books of 1861. These are chargeable with revenue to the amount of $604,220, and they have paid in $253,386. Besides this sum, there has been received for licenses from St. Louis county, $26,038, making an aggregate of receipts for the taxes of 1861, of $279,425. Of the amount paid into the Treasury, about $100,000 has been paid in Defense Warrants.

Although it is impossible to present to you an accurate statement of the amount of uncollected taxes for the year 1861, it will be seen that it must be very large, when from the forty-one counties in which the Sheriffs have received the tax books, $350,834 remains to be paid into the Treasury, and there are seventy-three counties in which the collection has not yet been attempted.

As it is unknown how far the Convention will feel itself required to deal with the financial questions that belong to ordinary legislation, no scheme of action will be submitted here with a view to expedite the collection of revenue due the State. The officers in the different counties are finding it more easy to make collections as the peace of the country becomes better established; and while there are still many counties in which officers have not been appointed, because in their disturbed condition no suitable persons have been recommended, yet the number is slowly diminishing, and with the restoration of quiet will begin the collection of revenue.

The Auditor will report to you the state of the finances, and will make such suggestions as, in his opinion, are important in relation to the revenue.

You will see from this brief statement, that the Provisional Government is not in a worse condition, financially, than when it was established. It is true that another instalment of the July interest upon our bonds has become due and is unpaid, but it may be assumed that the holders of our bonds have not expected us to pay the interest when the tide of war was rolling over our State, and that they will not find in our failure to pay, under such circumstances, any reason to doubt our purpose to pay ultimately.

Your ordinance, passed at your October session, vacating the offices of those who refused to take the oath of allegiance therein prescribed, has occasioned numerous changes among the holders of offices. There still remain many offices to be filled, as the progress in obtaining information about persons suitable to be appointed has been in some parts of the State very slow.

So far as is known, the appointments have given general satisfaction, and there is reason to hope that the interests of the State have not suffered by the change.

There is an ambiguity in this ordinance which would now require too much time to state, but which will need a short explanatory ordinance. The matter will be brought to the attention of some one of your committees.

In this glance at the principal operations of the Provisional Government, it is hoped that you will find the result to be that much good and no evil has been done, either to the people or to the principles of Constitutional Government.

In the largest part of the State, courts of justice are open, and the law regularly administered. The people are generally pursuing their ordinary vocations in peace and security, and confidence is being gradually though slowly restored.

It is true that in some parts of the State there are yet disturbances, and crimes the most brutal are perpetrated by outlaws, who would fain conceal the base character of their enormities by calling them guerrilla warfare. They can propose to themselves no end but the gratification of a fiendish malignity. Certainly neither patriotism nor humanity can sanction their conduct. It is believed that a sufficient force is provided to compel them to peace.

Although our State has been visited by a class of troops who came with feelings of hostility to our people and our institutions, and who, under the guise of supporting the Union, perpetrated enormous outrages upon our citizens, yet successful measures have been adopted for the security of our people and for the removal of such troops, so as to relieve us from their presence in the future.

The thought has often presented itself, suggested by the conduct of such troops, that if the armies which have marched over every part of our State had come into and marched through it as through a country that was altogether hostile, we should have found ourselves now in a country altogether desolated.

But it may be ascribed to the Convention, and to the kindness of a controling Providence, using the Convention, that, although the State has suffered greatly, it has not been entirely ruined.

And if the effort to restore the State Government should be entirely successful, and peace and prosperity once more should be established in the State, the praise will be given by a happy people, first to God who rules all nations, and under Him to the patriotism and wisdom of the Convention which He has employed.

But the work is not yet completed, and still demands that all the wisdom and energy of all the true friends of the State should be employed in harmonious counsel and united action in building up and cementing the fabric we are laboring to rear. It would be most disastrous if the laborers engaged in this patriotic work should allow themselves to be diverted from their undertaking by anything that will distract their attention or diminish their energy.

In the call under which you are now assembled, one subject is mentioned as requiring your action—that is, dividing the State into Congressional Districts.

We are entitled to nine Representatives in the next Congress, and it is required that they should be elected by districts.

In these times of extreme ultraism, our Representatives should appear in the House, elected in such manner as to be entitled to their seats without question. It is true that on a former occasion of increase in our Congressional representation, the General Assembly adopted a plan of electing the additional members without there having been new districts provided for them before the general election. But in present circumstances, it is not prudent to leave any question of their right open to discussion.

It is altogether questionable whether our plan of electing members of Congress some seventeen months before they ordinarily take their seats, is wise.

In times like the present, when new and startling questions are frequently arising, the Representative who may be elected in August, 1862, may find all the questions with reference to which he was elected, settled when he takes his seat in December, 1863, and that new and more momentous issues have arisen since his election, upon which his constituents have not expressed their will.

Although it is time that, upon an extraordinary occasion, Congress may be called so as to require his attendance before the first Monday in December, yet such are exceptional cases, and do not affect the principle that the Representative ought to be chosen because of the conformity of his opinions to those of his constituents upon the questions upon which he is to act.

There are other strong objections to our time of electing members of Congress, but as it is not intended to make any recommendations upon this subject, time will not be occupied in stating them.

In your ordinance, passed at your July session, establishing the Provisional Government, it was provided that an election of executive officers should be held in November, and that at that election a vote should be taken upon the question, whether your action in establishing such government should be ratified. The vote was subsequently postponed until the general election in next August.

It is submitted for your consideration, whether that part of the ordinance ought not to be annulled.

More than 30,000 of our people are volunteers in the service of the United States, most of the number being out of the State. Their voice should be heard on a question so vitally affecting their State, and yet it has been found that all votes in military camps, taken under laws that have directed such votes, have afforded opportunities for imposition, which it is almost impossible to guard against. It is clearly right that the voice of this class of citizens should be heard, but to take their votes in distant camps involves too much of imposition to be attempted.

There is another consideration of the greatest moment. The question to be voted upon is, under existing circumstances, not a question between the Provisional Government and some other administration of the State Government, but between the Provisional Government and no government at all; for every person knows that the former executive officers would be immediately arrested for treason if they came within reach of the officials of the United States. After the Provisional Government has been in operation for a year no such question ought to be considered open to discussion.

Whether you should think it necessary or not to require any oath of loyalty as a general qualification for all voters at the approaching August election, it is submitted to you as a matter demanding your action, that an oath beyond that prescribed by the Constitution should be required of all persons who may be elected to office. The oath prescribed by the Constitution is so general, that, though its terms, when rightly understood, comprehend the great duties of a citizen to his Government, yet it fails to impress the minds of those who take it with a clear idea of the obligation it imposes.

Again, the oath thus prescribed is altogether prospective in its requirements, but the State should be protected against persons who have in the past been unfaithful.

These are the subjects which at this time most require your attention.

H. R. Gamble.

AUDITOR'S REPORT.

The following report from the Auditor was also submitted to the Convention:

AUDITOR'S OFFICE, MISSOURI,
JEFFERSON CITY, June, 1862.

To the President of the Missouri State Convention:

I have deemed it important to the fiscal affairs of our State, as one of her public servants having charge of her monetary affairs, to submit to your honorable body some considerations and facts, which, if adopted, may result in great advantage to the State; lead to an entire absorption of the Defense Warrants, issued by virtue of the ordinance of 18th October, 1861; save the sale of the bank stock, pledged for their redemption; and afford great relief to our suffering tax-payers, by extending their reception for the taxes due the State in 1863.

Under the ordinance above referred to there has been issued, on the requisitions of the Governor, and delivered to the various Assistant Paymasters of the Missouri State Militia, and the Quartermaster General of Missouri, the sum of seven hundred and twenty thousand dollars, up to the present date. Of this amount, the largest sum has been paid out to the six months' militia, and the balance disbursed by the Quartermaster General in payment for forage, provisions and supplies, ordnance stores, etc., under the ordinance of October 18, 1861. These warrants have gone into general circulation; and *in counties where the revenue has been collected*, have soon been returned to the State Treasury; the holders of these warrants, in those counties, who *were tax-payers*, have suffered no loss, as they readily answered the wants of the community. In many instances, however, owing to the stringency of the money market, the unsettled condition of affairs, the gloomy future before us, many of our soldiery and needy citizens have had to suffer considerable depreciation in their value, in exchanging them for par funds. This depreciation was caused from the want of a *home demand* in *non-tax-paying* counties, by the Shylocks and brokers, who saw opened up to them a fine field of speculation, in the disordered condition of the financial affairs of our State. I believe, however, if the Convention would amend the ordinance of October 18, 1861, and make them receivable for the taxes of 1863—and for all balances due by late collectors for the taxes of 1860—the value of the warrants would be appreciated to par; the whole amount issued would be retired and paid into the treasury; the State relieved from the debt created; the civil government carried on without resort to borrowing; the people of the State greatly enabled to pay the revenue of 1863; and the bank stock saved from sale at its present depreciated price.

1st. Make them receivable from late collectors, who are in default for all balances due the State, for the taxes of 1860.

2d. Make them receivable for the taxes of the year 1863.

This extension of time would give three years for their redemption, leaving other means sufficient (exclusive of Defense Warrants) to defray the ordinary expenses of the State Government, which will reach three hundred thousand dollars per annum, exclusive of the deduction of the 20 per cent. per annum for the year 1862 for the pay of civil officers.

The ordinance of the Convention of October 18th, 1861, provided for the redemption of these warrants by the 31st of December, 1862; and if not then redeemed, pledged the bank stock owned by the State for their payment. It was contemplated that if the revenues of 1861 and 1862 would equal the revenues of 1859 and 1860, (about $880,000 each year,) the whole amount would be received into the treasury for the taxes of 1861 and 1862, by the 31st of December, 1862; but the revenue of 1861 has fallen far below the revenue of 1860, as there has only been forty-one out of one hundred and fourteen counties, (the whole number in the State,) which have receipted for the tax books of that year, (1861). See tables A and B. Should the collections of 1862 not exceed those of 1861, which is very probable, owing to the great depreciation in the value of real and personal property, and the loss of slaves in the State, it will require nearly the whole revenues of these two years, 1861 and 1862, to take up the Defense Warrants issued, leaving but little money in the treasury for the support of the civil government, and leaving *no funds for apportionment* to the school and asylum funds under the laws of the State. Under the ordinance, Defense Warrants, when once paid into the treasury, cannot be issued out again, but must be cancelled and destroyed; the ordinance virtually suspending the apportionment and distribution of said funds (school and asylum) for the years 1861 and 1862.

I doubt, somewhat, the policy of the Convention exercising the powers of general legislation, as the legislative body, under the Constitution, will soon be elected by the people, when all necessary laws can be enacted; but in the absence of the General Assembly, when the interest of the State demands immediate action, I think it proper and right for the Convention to adopt such measures as will carry into successful operation and effect its ordinances heretofore enacted. I would respectfully suggest that in carrying out the several ordinances passed by the Convention, considerable expenses were incurred for the promulgation and publication of the ordinances in the public newspapers throughout the State; and no provision was made by your body for their payment. The only special appropriations made by the law of the land to cover such contingencies, under which the Governor and Secretary of State had authority to order and direct their payment—to-wit: the "Contingent expenses of the Governor and Secretary," and the "General Contingent Fund"—had been exhausted, and no warrant can be drawn by the Auditor upon a fund exhausted. Another considerable item of expense was incurred for the purchase of books for the Defense Warrants, having them lithographed, &c., and books for registration for the use of the Auditor and Secretary of State's offices.

I would, therefore, recommend the passage of an ordinance authorizing the payment of all claims incurred for printing and publishing the ordinances of the Convention in the various newspapers in the State, for all expenses incurred in the procurement of books for the Secretary of State and Auditor's offices, for the registration of said warrants, and for getting up and preparing blank warrant books, including lithographing, printing, binding, &c., and for any additional clerk hire by the officers having charge of the preparation and getting up of said warrants; said accounts to be presented and approved by the Governor, and paid in *Defense Warrants* by any paymaster or disbursing officer in the State of Missouri. The amount due the publishers of newspapers for printing and publishing the ordinances of the Convention, amounts to from eight hundred to one thousand dollars; they are a needy and meritorious class, and performed the work faithfully and expeditiously, without murmur or complaint, and should be paid *speedily*. Payment should be provided for all expenses incurred in the preparation of the getting up and delivery of those warrants, as no special appropriations made by law can be used for that purpose. The bills for lithographing, printing and binding of warrants, amounting to the sum of eighteen hundred dollars, have been paid in Defense Warrants, (upon the approval of the accounts by the Governor,) by the Paymasters of the Missouri State Militia, up to this date; but there will be additional accounts, for printing and binding, yet to be paid. The additional labor imposed upon the Auditor and Secretary of State has been great, requiring their personal and constant attention whilst registrations were being ordered for warrants, sometimes requiring all the clerical force of both offices, to the exclusion of the daily current business; but they have endeavored to faithfully discharge the additional labor, with alacrity and hope, to the entire satisfaction of the public.

Another subject of legislation is well worthy the consideration of the Convention, as it affects much the revenue of the State. I allude to the delinquent land list of the year 1861, and the delinquent land list of St. Louis county for the year 1860. The revenue law requires the collectors to return their delinquent land lists to the Register's office by the 31st day of December; if not then returned, they cannot be received. Owing to our troubles, and other circumstances beyond control, no delinquent land lists for 1861 have been received and filed within the time required by law, consequently none of the lands can be redeemed at the State treasury, nor the taxes paid in the counties where situated. The lands are completely tied up; parties cannot pay or redeem them, and the State is left loser to hundreds and thousands of dollars. If these land lists were made receivable by an ordinance of the Convention, as is always done by special legislation, I am satisfied that at least one hundred thousand dollars would be paid into the treasury on those lands within a short period, which will not be done under the present circumstances; collectors will be relieved from liability, and the State greatly benefitted.

One other highly important and patriotic subject appeals to your consideration, and is well worthy of early action; one which calls aloud to every true hearted Missourian: that is the care and protection of our sick, wounded, suffering soldiery, who have suffered upon the bloody fields of Pea Ridge and Shiloh, in defense of our common country. Other States have made generous provision for their sick and wounded. Governors and State officials have visited the battle fields, with all the means necessary for their comfort and support; why should not Missouri, who has so many of her sons battling for the Union, on the fields of Tennessee and Arkansas, lend a helping hand to them in the hour of need? When the conflict of arms is over, should they be forgotten, and left to perish away from home and kindred? Then let our State come to the rescue, and lend a helping hand to those who have periled all for our country, homes and firesides.

The amount of Defense Warrants authorized by the Convention is one million of dollars; the amount issued and delivered is seven hundred and twenty thousand dollars, leaving two hundred and eighty thousand dollars. As nearly all the expenses of the six months' militia have been paid, place one hundred thousand dollars of these warrants at the disposal of the Governor, to be expended in providing for the sick and wounded; bringing them home, and ministering to their wants whilst stricken down by disease, or suffering from wounds received, and burying those who have fallen in the bloody conflicts. No true patriotic Missourian would murmur at such an appropriation; men who have periled their lives for our homes, for the preservation and perpetuation of the Union, as our fathers made it, are deserving and entitled to our aid and sympathy.

The suggestions I have presented will, in my opinion, if adopted, prove highly beneficial to our State and her suffering people. All measures which tend to the fostering and protection of her revenues, is highly important and necessary.

"The revenue of the State is *the State*; in effect we are dependent upon it, whether for support or for reformation."

Very respectfully,
Your ob't servant,
WM. S. MOSELEY,
Auditor.

See table A; also, table B.

[*Table A.*]

	COUNTIES.	Am'nt of Tax list receipted for 1861.	Amount paid 1861.
1	Adair	$ 4,682 85	$ 4,682 85
2	Andrew	10,378 06	....
3	Atchison	4,360 29	....
4	Boone	22,422 77	12,904 26
5	Caldwell	4,379 65	....
6	Cole	7,720 62	....
7	Crawford	3,115 45	....
8	Daviess	6,421 43	....
9	Gentry	3,979 16	....
10	Grundy	3,725 47	2,745 17
11	Harrison	6,071 41	6,409 89
12	Henry	9,911 44	....
13	Holt	5,335 29	....
14	Howard	21,730 69	....
15	Jefferson	6,180 85	4,818 33
16	Laclede	3,470 21	....
17	Lafayette	28,752 05	....
18	Lewis	10,051 10	....
19	Lincoln	10,260 18	....
20	Linn	4,886 81	....
21	Maries	1,837 20	1,256 60
22	Moniteau	6,866 47	....
23	Mercer	3,549 61	2,625 28
24	Monroe	12,463 61	....
25	Montgomery	9,535 25	....
26	Osage	4,106 61	....
27	Perry	5,408 10	....
28	Pettis	6,435 40	....
29	Pike	17,761 24	....
30	Putnam	4,112 33	3,362 88
31	Ralls	8,062 87	1,123 34
32	Randolph	9,569 00	....
33	Ray	15,438 30	....
34	St. Charles	14,662 83	8,995 36
35	St. François	6,016 98	....
36	Ste. Genevieve	5,607 45	4,147 77
37	St. Louis	275,549 04	195,393 98
38	Shelby	7,095 01	....
39	Sullivan	4,835 50	....
40	Warren	5,590 99	4,921 25
41	Worth	1,881 17	....
	Total amount	$604,220 74	$253,386 96

Dram shop licenses, paid by B. McSorley, collector of St. Louis .... $ 9,137 40

Insurance agency license, paid by S. W. Eager, Jr., collector of St. Louis 2,744 00

Dram shop licenses, paid by C. J. Carpenter, collector of St. Louis, 14,157 15

Total paid into Tre'ry by 41 co's..$279,425 51 including dram shop licenses of St. Louis county.

[*Table B.*]

The gross amount of revenue of 1861, chargeable against the various Collectors, up to this date, (June 1st, 1862,) as per receipts filed, in the forty-one counties referred to in table A, is $604,220 74

Amount paid iuto the Treasury, up to above date, as per receipts of Treasurer, including Defense Warrants, is $253,386 90

Leaving a balance unpaid on the taxes of 1861, (less commissions, mileage, etc.,) of $350,833 78

[It is impossible, at this time, to give the net revenue of 1861, as the several Collectors have not filed their delinquent land lists of that year, and their accounts cannot be finally balanced and closed up until their proper credits are allowed. In fact, many of the Collectors did not receive and receipt for the books of 1861 until after that year had expired; some of them did not receipt for the books till the month of May, 1862. The *delinquent* land and personal lists of 1861 will greatly exceed the lists of 1859 and *1860.*]

Amount of cash and Defense Warrants *received into* the Treasury, on the taxes and licenses of said year, is $253,386 96

On dram shop licenses of St. Louis, 1861, (McSorley)		9,137 40
On dram shop licenses of St. Louis, 1861 (Carpenter)		14,167 15
Foreign insurance licenses of St. Louis, (S. W. Eager)		2,744 00
Total amount received in 1861, in cash and Defense Warrants....		$279,425 51
Number of Defense Warrants issued up to the 1st of June, 1862, is		$720,000 00
Amount paid into the Treasury up to said date, is	$94,265 00	
Returned and cancelled by Maj. Sawyer, Paymaster Missouri State Militia	2,175 00	
Returned and cancelled by Col. C. C. Marsh, Paymaster Missouri State Militia	335 00	96,775 00
Total amount of outstanding Defense Warrants, to June 1, 1862		$623,225 00

On motion of Mr. **Hall** of Buchanan, the message was laid on the table and 200 copies ordered to be printed.

On motion of Mr. **Brown**, it was ordered that the Secretary furnish each member with a copy of the census of Missouri.

APPOINTMENT OF COMMITTEES.

Mr. **Hitchcock** *offered the following:*

Resolved, That the following standing committees be appointed by the Convention to take into consideration the suggestions made by the Governor:

First.—A Committee on Elections, to consist of five members.

Second.—A Committee on Congressional Districts, to consist of nine members.

Third.—A Committee on Finance, to consist of five members.

Mr. **Welch**. I move to amend by adding,

Fourth.—A Committee on the State Constitution, to consist of five members.

Mr. **Hitchcock**. I accept the amendment.

Mr. **McFerran**. I propose to amend by adding, "a Committee on Militia, to consist of five members."

Mr. **Hitchcock**. I will state, Mr. President, that in drafting that resolution it did not appear to me, after listening to the message of the Governor, that there was really any necessity for such a committee, but, of course, it is perfectly proper to appoint such a committee, and I will therefore accept the amendment.

Mr. **Welch**. I desire to offer another amendment. Strike out the words "the Convention," and insert "the President." The object is simply this: I do not think it necessary that the Convention should go into the appointment of a committee.

The amendment was agreed to.

Mr. **Howell** offered the following as a substitute:

Resolved, That a committee of five be appointed, to take into consideration and report such committees as are necessary for the Convention.

The substitute was disagreed to.

Mr. **McFerran**. I move to amend by adding, "and Elective Franchise," after the word "Elections," in the original resolution.

Mr. **Stewart**. I offer the following, as a matter of information:

Resolved, That the Provisional Government was constituted to get rid of traitors, and not to discriminate between any class of citizens, native born or naturalized.

The **President**. The resolution is not germain to the matter under consideration.

Mr. **Stewart**. I will withdraw it for the present.

Mr. **Hitchcock**. I supposed that the Committee on Elections would embrace the subject of Elective Franchise, but if there is any doubt on the subject, I will accept the amendment.

The resolution as amended was then adopted.

On motion of Mr. **Zimmerman**, the Convention adjourned to 9 o'clock A. M. to-morrow.

SECOND DAY.

Jefferson City, Tuesday, June 3.

The Convention met at 9 o'clock.

Prayer by the Chaplain.

A SUGGESTION.

Mr. **Brown**. Before we proceed to the regular business of the day, I would like to make a suggestion. At the last term of the Convention, we appointed a door-keeper, the regularly elected door-keeper not being present. The door-keeper that was appointed does not know whether his appointment holds over or not. I have no doubt it is the desire of every member of the Convention that there should be unanimity of feeling and action among us, and in order that we may secure it, I think we should keep the corners well rounded up as we proceed. I saw both these gentlemen here yesterday, both of them, no doubt, competent and willing to enter upon the discharge of their duties as door-keeper. I do not consider it my prerogative to say what course we should pursue in settling the question, but I think I have a right to suggest that the thing should be amicably settled, and that these men should know which of them is entitled to the office. I was not present at the last session, and I feel a little like as if I was on probation myself, or on ticklish ground. But I would suggest that some gentleman introduce a resolution in reference to this matter, before we proceed further.

ANNOUNCEMENT OF COMMITTEES.

The **President** announced the following committees:

Congressional Districts.—Messrs. Broadhead, Rowland, Doniphan, Henderson, Orr, Phillips, Moss, Woolfolk, and Bogy.

Militia.—Messrs. Stewart, McClurg, Jackson, Leeper, and Jamison.

Elections and Elective Franchise.—Messrs. McFerran, Hitchcock, Howell, Van Buskirk, and Rankin.

State Constitution.—Hall of Buchanan, Breckinridge, Welch, Moss, and Pomeroy.

Finance.—Douglass, Marvin, Collyer, Dunn, and Zimmerman.

RESOLUTIONS AND PETITIONS.

Mr. **Stewart** offered a resolution, that all men, whether civilians or soldiers, who have been found in arms against the Government of the United States, and all neutrals who have given aid or comfort to the enemy, shall hereafter be disqualified to vote.

Referred to Committee on Elections.

Mr. **Douglass.** I have a petition from citizens of Moniteau county, which is in the district I have the honor in part of representing. The petition is from the citizens of Moniteau county who are in favor of disfranchising for the next twenty-one years all citizens who have not been loyal to the United States Government. In presenting this petition, it is proper that I should state that I am personally acquainted with most of the gentlemen whose names are signed to it. I know them to be good and loyal citizens, of respectable standing in the community, and although it is not proper that I should now offer my own views on the subject, or as to what should be the action of the Convention, yet, deeming that the petition is at least entitled to a respectful consideration, I move its reference to the Committee on Elections.

The **President.** It will be so referred.

Mr. **Eitzen** introduced a resolution in favor of repealing an act of the Legislature concerning the election of County Court Justices for Gasconade county. Referred to the Committee on Elections.

Mr. **Scott** introduced a bill providing that before any person shall be allowed to vote at any future election in the State, he shall be required to subscribe to an oath that he has not taken up arms against the Government of the United States or this State, or in any manner aided or abetted the enemies of his country. The oath shall be administered by persons properly qualified, and any failure shall be punishable with a fine of not less than ten dollars and not more than two months' imprisonment in the county jail. Referred to Committee on Elections.

Mr. **McCormack** introduced a bill providing that the soldiers enlisted in compliance with the call of the Governor for volunteers in August last shall be entitled to receive pay for the time they were actually in service in the State. Referred to the Committee on Militia.

Mr. **Stewart.** I wish to offer an amendment to the ordinance that has just been referred to the Committee on Elections, "and all men violating said oath shall be shot or hung."

Mr. **Meyer** offered a resolution that H. C. Warmoth, Doorkeeper at the last session of the Convention, is entitled to his position. Adopted.

Mr. **Comingo** introduced a bill providing that hereafter every candidate for any office in the gift of the people of Missouri, before his name shall be entered upon the poll books, shall file an oath to the effect that he will support the Constitution of the United States and this State; that he has at all times been loyal and true to the Government of the United States, and that he will not take up arms against the Government of this State or the United States, but endeavor to uphold, maintain and preserve both the State Government and United States Government.

Mr. **Brown** offered an amendment obligating the candidate to loyalty hereafter.

Mr. **Stewart** moved to amend by inserting in the oath, "I will support the United States flag against all rebel flags."

The subject was referred to the Committee on Elections.

CLASSIFICATION OF MEMBERS OF THE SENATE.

Mr. **Welch.** I notice that nearly all propositions have been referred to the various Committees, thus leaving the Convention without any work to do until these committees shall have digested the various subjects which have been referred to them. In this manner several days of the Convention will, in all likelihood, pass away before any definite action or discussion can be had upon the important questions which, in all probability, will be brought before it. I have an amendment which I propose to offer to the Constitution of the State, and it is an amendment which embraces but one solitary proposition, not requiring at all the investigation of any committee; and for the purpose of giving the Convention something to do while these matters are in the hands of Committees, I propose to offer this amendment to the Constitution. I offer it for action now, not because it is essential it should be passed to-day or to-morrow, but it is a proposition, sir, which is so simple in its nature as not to demand the assistance of any committee. I will state the object of the amendment, the necessity of which no one in this Convention will more readily appreciate than the Hon. President. It will be remembered by you and by myself, who were members of the General Assembly at the period to which I refer—the session of December, 1858—that a serious and protracted controversy arose in the Senate upon the subject of the classification of its members. The Constitution of the State, as it has always stood, provides for a classification of members of the Senate, so that, as near as may be, that body shall be divided into two classes, one-half of whom shall go out at the end of every two years. The object of that provision, I suppose, was that at least one-half of the members of the Senate should come fresh from the people at every session of the Legislature. But, sir, it so happened in the course of human events that when the General Assembly met in December, 1860, a majority of that body was composed of new members; and when the proposition was introduced in regard to these new members to classify them into two year and four year members, and the new members, having a majority in that body, refused to classify and to carry out the spirit of the new Constitution in that respect. Your Honor, no doubt, will remember the exciting controversy over that question as well as myself, and the difficulty that arose from the want of a simple provision in the Constitution which I believe is attached to every other office provided for in that instrument; that is the provision which declares that all members who should be elected to fill vacancies should serve out only the unexpired term. But, unfortunately, in connection with the Senate, that provision does not exist, and those new members who constituted a majority of that body fell back upon the general provision of the Constitution, that all Senators should be elected for a period of four years. They claimed it under that provision and refused to classify. I now, as we are near the August election and we are to have an entire new Senate, propose to introduce that amendment to the Constitution which shall require that body to classify, and keep properly classified, in order that one-half of that body body may at every election come fresh from the people and represent the wants of the people. The object of the amendment is not only to require a classification, but to perpetuate that classification. It provides that when a member of the Senate shall be elected to fill a vacancy he shall hold his office during the unexpired term of the person whose seat he occupies and for a no longer time. When that provision shall be incorporated into the Constitution, the scenes which we witnessed in the Senate in 1858 can never occur again. I presume this proposition needs no investigation from a committee to determine as to its necessity. The same provision exists in the Constitution of the United States with regard to the Federal Senate. That body has always classified ever since its organization. I, therefore, submit this ordinance and ask the attention of the Convention to it, as we seem to have nothing else to do.

The ordinance was then read by the clerk.

On motion of Mr. **Howell**, the ordinance was referred to the Committee on Constitution.

RESOLUTIONS.

Mr. **Zimmerman** offered a resolution that, if the Committee on Elective Franchise see proper to report a bill disfranchising Southern sympathisers, they also report a bill disfranchising Abolitionists. In offering the resolution he said: I offer that resolution in my own defense and in defense of my own constituents. Should gentlemen of Southern feelings be disfranchised and Abolitionists be permitted to vote, I fear that the Abolitionists elected to the Legislature might pass an act to deprive us of our slaves. I own a few slaves and I do not want them forced out of my possession.

The resolution was referred to the Committee on Elections.

Mr. Douglass offered a resolution that hereafter, in all elections in this State, the vote shall be taken by ballot. Referred to Committee on Elections.

Mr. Welch introduced a bill for the collection of the revenue, which was referred to the Committee on the Revenue.

On motion of Mr. Rowland, the Convention then adjourned till 2 p. m.

AFTERNOON SESSION.

The Convention met at 2 p. m.

Mr. Smith of St. Louis offered a resolution that the Committee on Elections be instructed to inquire into the expediency of postponing the election of Governor, Lieutenant-Governor and Secretary of State, until the regular time prescribed by the Constitution for the election of such officers. Referred to Committee on Elections.

On motion, Messrs. Busch and Meyer were added to the Committee on Finance, and Mr. McFerran to the Committee on Militia.

Mr. Gravelly offered a resolution that the Committee on Elections inquire into the expediency of permitting officers and soldiers in the United States service who, at the time of entering were citizens of the State of Missouri, to vote in their respective camps for candidates for the different offices that may have to be filled during the time such officers and soldiers remain in service. Referred to the Committee on Elections.

Mr. Brown offered a resolution in favor of releasing the citizens of the Kansas border counties from the payment of their taxes for 1861 and 1862.

In offering the resolution Mr. Brown said: I have the honor to represent some of these Border counties. We have had little else than war since the unfortunate troubles of 1856. Our people have become tired of war and they desire peace. They desired it long since inside the Union and under the Federal Constitution. As an evidence of that fact, there was a majority at the last spring election of considerably over 3,000 votes cast on the Union ticket for a Delegate to the State Convention, and I feel well assured in saying that I do not believe 200 men now remain out of 7,000 voters who have not been robbed of almost every vestige of property that they owned. They have been robbed of negroes, wagons, horses, cattle, the last milch cow, the last bed, the last particle of clothing, and some of their families are entirely destitute and in a suffering condition; and I am satisfied that if it is in the power of this Convention to relieve them they ought to do it, and I have no doubt the members will. I have introduced the resolution in order to bring that thing about.

On motion of Mr. Comingo, the resolution was referred to the Committee on Finance.

THE DECEASE OF MR. TINDALL.

Mr. Woolfolk offered the following resolutions in reference to the death of Colonel Tindall:

Whereas, The calamities of war have deprived this Convention and the country of the services on this floor of Colonel Jacob T. Tindall, who fell at the head of his regiment on Sunday, the 6th day of April, 1862, on the battle-field of Shiloh; therefore, be it

Resolved, That in the death of Col. Tindall this Convention has lost a valued member, whose intellect and energy, patriotism and conservative views rendered him an able and efficient member of this body. That by his untimely fall the nation has lost a devoted patriot in the hour of her peril, the army a prudent commander, the society in which he moved an ornament, and his family an affectionate husband and father.

Resolved, That in testimony of our appreciation of the deceased, and from due regard to his memory, this Convention will now adjourn until to-morrow morning at 9 o'clock, and that the members wear the usual badge of mourning during the present session.

Resolved, That we tender the condolence of the members of this body to the family and immediate friends of Colonel Tindall in their sad bereavement; that these resolutions be spread upon the Journal of this Convention, and that a copy thereof be prepared by the Secretary and forwarded to Mrs. Emeline Tindall, the wife of the deceased.

Mr. President: It has become my sad and unexpected duty to present these resolutions [published in yesterday's report,] upon this floor. I deem them only a proper tribute to the memory of one of this body who has gone from our midst—who has fallen in the discharge of his duty as a patriot and a soldier.

The deceased united in himself many of those qualities which win our admiration and love. He was sincere, honest, generous, and full of that noble modesty which, united to proper self-respect, lends such a charm to merit. Born in Kentucky, in 1825, his parents removed to Howard county, Missouri, during his early youth, and afterwards removed to Grundy county when he had reached about the age of eighteen years. As a youth he was much loved in the county in which he lived. He was quiet, unassuming and diligent in the prosecution of all his studies.

When the Mexican war broke out he at once enlisted and served with honor in the position of Sergeant-Major and acting Adjutant of his regiment. When the war was over he commenced the practice of law in his own county of Grundy, and soon won for himself a proud name in his own and adjoining counties. His integrity, his close application to business, and his fine discriminating intellect, made him one of the most successful advocates in the Grand River Valley. The masses possessed entire confidence in his honesty, and this fact gave him a power before juries which few others possessed. He had for several years prior to our national difficulties stood at the head of his profession in the Grand River Valley. At the very commencement of this revolution he took a bold stand in favor of the Union, and when the Convention was called he was selected by an overwhelming majority to this body. When Sumter fell and the American nation was called to arms, he was among the first to rally at the call of his country.

I well remember an evening passed with him about this period. It was just after the Camp Jackson affair. The military bill had been passed and Union men were falling away by hundreds. Everywhere in the State confusion was reigning. False reports as to the policy of the Government were flying over the country. No Union man felt secure. The iron hand of rebellion was upon us; and a rebel government had been erected in our very midst. I was gloomy—almost despondent. In my own city of Chilicothe two-thirds of the citizens had suddenly become avowed secessionists, and the remaining one-third, with but few exceptions, occupied ambiguous positions. Tindall came to our city just at this period, on his way to St. Joseph. He came to my office and announced that the time had come when we must fight on one side or the other. The Union men must abandon their principles and enlist under the military bill, as passed by the Legislature, or they must organize to resist it. Brigadier General Slack had just offered him the place of Brigade Inspector, with the proviso that if he did not like this place he should have any other he desired. But Tindall, true to his principles, unhesitatingly refused his offers. "I have made up my mind," said he to me, "to resist this military bill, and battle on the side of my Government, but I dislike to be alone in my opposition. I am going to St. Joseph for the purpose of seeing if the Union men there and elsewhere will act with me in my resistance to treason." I admired his bold, decisive conduct. I felt that nature had destined him for a leader, and I unhesitatingly pledged him my support, even if I should stand alone.

After raising his regiment, he was for several months stationed in the city of Chilicothe, and his conservative course had a great influence towards restoring peace to that distracted section. The ultras who desire to use the strong arm of military power for the purpose of gratifying revengeful passions, found in him no friend, and he pursued unwaveringly the path of conservatism, regardless of the clamor of men who called for acts of violence and wrong. The ultras for a time endeavored to weaken his influence by charges that he was courting favor with the secessionists, and I shall never forget his noble reply when he heard these charges. "They may call me what they please, but they shall not induce me to do what I believe to be wrong." He was loved by all good men, regardless of party; all felt secure under his authority, so long as they respected the Constitution and the laws. And when his bleeding remains were borne from the battle field of Shiloh, good men of all parties followed him weeping to his grave. He was one of those noble men whom we often meet during these struggles, and whom I always admire. Born in the South, he was not a Union man from any hostility to slavery, or from any sympathy with Northern States in opposition to Southern States. He was a Union man from principle and patriotism. He abandoned his section for the sake of his country; but by his country he meant his whole country—not the Northern half of it—and he loved it all, from ocean to ocean and the lakes to the gulf.

He has given the noblest proof of his patriotism, for he has made the last only sacrifice a patriot can make for his country. He led his gallant regiment upon the bloody field of Shiloh, and, belonging to Prentiss' Brigade, they stood the first shock of battle. During the entire day of the 6th of April, the gallant men of the

Twenty-third Missouri were in the thickest of the fight and nobly stood their ground against superior odds. About four o'clock in the evening, Tindall fell, at the head of his regiment. I mourn his loss, but I could not ask for him a nobler fate.

"Dulce et decorum, pro patria mori."

If there was a spot upon this green earth where the patriot should desire to breathe out his spirit, that spot should be the battle field of Shiloh. It will live in history as one of those fields

"Where life is lost, or freedom won;"

and around it will cluster those imperishable memories that gather about such names as Bunker Hill, Thermopylæ, and Marathon. Life is nothing; it is the manner we spend that life. The patriot never dies to soon who falls in defense of his country; but lives too long, if he survive to wander amid its ruins. No; I could ask no nobler fate for the lamented dead! He knew no feeble sunset; no slow wasting away of life; no emaciated form; no dismal chamber of disease; but he fell at once in the pride of his strength, like some green oak shivered by the lightning's touch. He sunk upon the tented field, with the blue sky above him and the starry banner for his winding sheet; and his gallant spirit mounted aloft from a death-bed of fame, as the freed mountain bird soars to its eyrie. He has gone, but gone in glory. With us remains the dirge—with him has ascended the *pæan of triumph*. He fell in the vigor of life, in the noon of his fame—just as he saw the star of his destiny dawning brightly from the sky of fate. His last words that were heard ringing along the burning lines of battle, were words cheering on his men to the conflict. He fell as a patriot and a hero would desire to fall—at the head of his regiment, with the mighty hosts of freedom battling around him, the banner of his country over him, and the wild thunders of battle ringing upon his dying ear.

The remains of the lamented Tindall have been removed to his home, near Trenton, in Grundy county, Missouri; and there he reposes amid the scenes of his early labors and triumphs. He sleeps in the quiet village churchyard, away from the busy hum of life—far away from the thunder of conflict, and no clarion note will ever more disturb his slumbers or call him forth to battle. Let us hope that, "after life's fitful fever, he sleeps well." No proud mausoleum marks his resting place, and he needs none. His noblest monument has already been erected in the hearts of his fellow citizens. His lonely grave will long be treasured in their memories, and will be a sacred shrine to which votaries will *often* wander. Peace to his ashes. May the undying laurel of glory grow green over his grave.

When I remember, sir, all the gallant dead that have fallen in this war, I feel that this Government should be preserved in justice to their sacrifices, if from no other motive. We cannot abandon this struggle—we cannot submit to a division of this Union without a wrong, a deep and burning wrong, to the noble men who have sacrificed their lives to preserve the integrity of this Government. Shall they fall in vain? No, sir; it must not be! Let us swear by our gallant dead that we will preserve this temple of liberty as our fathers made it; or, if all is vain, that we will clasp its crumbling columns and perish amid the wreck.

Mr. President, the traveller through the Grand river valley is struck with its desolate appearance. The country looks dreary and deserted. The farm houses are often empty; the villages are destitute of their teeming population, and that once beautiful and populous region is almost as lonely as the grave. Where, sir, have the gallant men of that region gone? Go to your armies of the Union, and you will find them there. When Tindall raised his regiment, the gallant men of Grundy, Harrison, Linn, Sullivan, Putnam, Mercer. Daviess, and Livingston, rallied at once to his standard. They flocked to the banner of their country, abandoning their farms in secession neighborhoods, and leaving their property at the mercy of jayhawkers. When the Eighteenth and Twenty-fifth regiments were raised, the same counties poured out their loyal hundreds, and soon filled them to the maximum. When the State militia were called for, the young men of these counties were almost all in the field; but, true to their patriotic impulses, the old men turned out and at once filled the First and Third regiments of Missouri cavalry.

Sir, the gallant men of this section need no eulogy from me. The bones of their heroic dead are bleaching upon every battle-field of the West. Tindall, one of their Colonels, sleeps in the village churchyard in Grundy county, Missouri. Peabody, the Colonel of the Twenty-fifth regiment, reposes amid the green hills of his New England home. The Colonel of the Eighteenth regiment, and McCullough, the gallant Major of the Twenty-third, together with many of their brave officers and men, are now incarcerated in Southern prisons, because too fearless to turn their backs upon the foe when deserted by other regiments who should have stood with them in the hour of danger. But many, very many, of these gallant men have left their bones to bleach upon the plains of Shiloh. While other States have recorded the valor of their slain, these noble men have gone down to the grave without an epitaph. No marble monuments are over them—no trump of fame breathed its elegiac tones over their graves, but they sleep amid the wild scenery of Tennessee, far from their loved ones, and in a foeman's land, with no kindly hand to scatter the flowers of affection upon their tombs, and with only the whistling winds and the chirping wild birds to chaunt their mournful requium. But let them sleep on. They could find no nobler bed than the field of their fame, for it will be hallowed by a nation's gratitude and a nation's tears.

Mr. **Shanklin**. Mr. President: I am impelled by a sense of duty, upon this occasion to give to this Convention, and to the country, my testimony of the personal worth of the lamented Colonel Jacob T. Tindall, late a member of this body, and whose loss to this council and to the State, we to-day deplore.

This duty, though it forces upon my mind melancholy reflections of the sad fate of the deceased, and of the sorrows and irreparable loss to that portion of the State which he, in part, so ably represented on this floor, is nevertheless rendered comparatively agreeable and pleasant by the reflection that I but contribute to the memory of one who was in every respect worthy, and who, in that portion of country where he was best known, was the people's favorite; and that whatever eulogium I may feel inclined to indulge in upon this occasion, will meet with a hearty response from all those who knew him well.

For the last fifteen years, my relations with the deceased were of the most intimate character, and for the last seven years of that time we were partners in the practice of the law, as well as our general business; and being thus devoted in friendship and allied in interest, I think I may safely claim that I knew him better than any one else. We have often burned the midnight oil together, prying into the intricacies of the law; or poring over the musty records of some entangled business transaction which we had been engaged to straighten. To him, more than to any other, am I indebted for the little success which I have so far had in this country. 'Tis true, I claim to have accomplished what I have done by my own exertions, but I take pleasure in acknowledging here that I am largely indebted to the facilities which my connection with him afforded in the labors which, from time to time, I have undertaken and accomplished. I might say, with propriety, that to him, even more than to books, am I indebted for the little legal knowledge which I have acquired. He loved to converse upon intricate and nice points of law, and always, in studying his cases, he would seek the opportunity of conversing with some one, with the view (as he often expressed it) of "rubbing off the rust, and brightening up his ideas" upon the points which he had been reviewing. While to him, personally, I can now make no recompense for his kindness towards me, I can still contribute to his memory my testimony of his many noble qualities, and of his great personal worth. During the long period of our intimacy, our relations were never disturbed, and I never for a moment had occasion to doubt the purity of his private life. He was high-minded to a fault—stern and inflexible in his demeanor, yet social and companionable to all who were thrown in his way. His idols were his family and his books. The former he loved with a devotion worthy of all imitation—the latter were his boast, his pride, and the solace of his leisure hours. He was a man of enlarged and liberal views of public policy—a devoted patriot and friend to his country—a faithful and energetic public servant, yet it was in the purity of his private life that his rare excellence presented itself in its most vivid colors to his intimate friends.

Colonel Tindall was a Kentuckian by birth. His boyhood was spent in Howard county, Missouri, from which place he removed with his parents to Grundy county while the Grand river country was yet a wilderness, and he a mere youth of some eighteen years of age. With but few of those advantages so essential to enable young men of genius to qualify themselves for a brilliant career, he commenced life for himself at that early age, and adopting teaching for a support, he devoted himself, during the leisure hours which that profession affords, to the study of the law. In 1847 we enlisted together for "during the war," and continued in service in the "Indian Battalion Missouri Volunteers," commanded by Lieutenant Colonel Gilpin, until the close of the campaign on the frontiers of Northern

Mexico, in the fall of 1848. During that campaign, the then young and ardent Tindall held a responsible position in the service, being the constant companion and having the unlimited confidence of the commanding officer. Soon after his return home in the fall of 1848, Mr. Tindall was admitted to the bar, and soon took rank with the foremost practitioners in the Grand river country. His constant flow of humor and sparkling wit will long be remembered by all those of the profession who, from that time until the present, have traveled around the circuits in the Grand river country. That he was a close thinker and accurate pleader, and a man of fine energy in his profession, those of the profession who have practiced with him, as well as the records of the various courts which he attended, will fully attest.

Called to the councils of the State when barely of the constitutional age, Col. Tindall served one session in the Missouri Legislature with distinction, but afterwards engaged but little in politics until the late Presidential canvass. At the commencement of the present deplorable troubles in our State and Nation, he took strong yet conservative grounds in favor of the preservation of the Union as our fathers made it; and to his influence more, perhaps, than to that of any other are we indebted for the overwhelming Union sentiment in the Grand River country. I knew his sentiments well, and I bear willing testimony to his unswerving loyalty from the commencement of our complications. Elected to a seat on this floor by a large majority, Mr. Tindall proved, as you will all testify, to be one of your working members, and the influence of his labors here in favor of the rich heritage bequeathed to us by our patriot sires—the Constitution of the country and the Union of the States—will long be remembered throughout the State.

While there was the least hope of a peaceful adjustment of our complications, Mr. Tindall was in favor of such adjustment; but when all hope of a settlement other than by the arbitrament of arms was lost—when the "flag of our country" had been insulted and made to trail in the dust by traitors to a common heritage—when our own beloved Missouri was being led with bold defiance into the vortex of rebellion by traitors in high places, who had been selected by the people as the guardians of their interests, but who, by perjury and corruption, had bartered the sacred soil which they had been selected to honor, protect and defend, to the enemies of the Government of our fathers, to be used as a battle-field to shield their own polluted soil from dire calamities of war—then it was that the lamented Tindall entered the service of his country, determined to do his duty in the defense of her flag and of her cherished institutions, and as the gallant commander of the twenty-third regiment of Missouri volunteers. For his administrative abilities and conservative policy, as the commandant at the post of Chilicothe during the past winter, his services will long be cherished in North Missouri. Upon the opening of spring, Col. Tindall was ordered with his regiment to the field of active military operations, and the morning of the 6th of April, 1862, found his regiment encamped on the turbulent Tennessee, at the Pittsburgh Landing. Soon, the dread roar of artillery was heard in the distance. The mortal combat had commenced—kindred of a common ancestry, led by heroic chieftains, had met in mortal conflict, and the plains of Shiloh were fast drinking up the life-blood of those who were born of a common parentage, and were destined by the God of Nature to share a common heritage. The noble twenty-third was soon ordered to the field of carnage and blood, and I learn with pleasure, from an eye-witness, that not one faltered in the least. This regiment was soon posted in the "thickest of the fight," and led by its heroic Colonel, it there sustained the honors of the State, for hours, against overwhelming odds. The gallant Tindall, at the head of this noble band of Grand River boys, sustained himself, for hours, with that coolness and intrepidity which challenges the "veteran upon the field." He continued at his post until four o'clock in the afternoon, when the leaden messenger, sent with the rapidity of lightning and fearful aim, pierced his heart, and soon the beloved Tindall was numbered among the slain on the fatal field of Shiloh. His remains were found upon the field by his friend and late Adjutant, Lieutenant Stephen Perry, who kindly conveyed them to his home in Trenton, and there, in the "silent city of the dead" of that quiet village, amid the ashes of his parents and kindred, now lies entombed the lifeless body of the once heroic Tindall—"my brave companion—my noble friend."

Mr. Stewart. I cannot forego the opportunity that is presented, briefly to commemorate the virtues, the integrity, the honesty, and the loyalty of him whose loss we now mourn. During the time I have been a citizen of Missouri—since 1845, I believe—I have known

Col. Tindall, most of the time intimately. He was a particular friend of mine, from the fact that he was *loyal*. He was ever true to the Constitution and the Union. It made no difference to him whether a man came from Kentucky, New York, or South Carolina. He was that man's friend so long as he did not dishonor the flag which protected him. Sir, he entered into this war because he was a patriot. He did not enter it from selfish motives, or from the belief that political capital could be made by so doing. He offered up his life in behalf of his country because he was actuated simply and solely by feelings of loyalty and of patriotism to that Government. Sir, the memory of such a man deserves to be honored. Let us, therefore, while we cherish his memory, endeavor to imitate his example, and, as far as may be, walk in his footsteps.

Mr. **Breckinridge**. It was eminently proper, sir, that the first words of sorrow spoken in this hall because of the death of this good man, should come from those who knew him long and well before we, who were his associates in this body, knew him. It was eminently proper, sir, that the first words of sorrow should be spoken, also, by those who were his colleagues, and who owed it as a duty to themselves, as well as to the good people of this Commonwealth whom they represent upon this floor, more than to his memory—for that speaks for itself and justifies itself—to speak the words that have been spoken. But I am not willing that to them alone shall be given the privilege of saying kind words of such a man; nor am I willing that those good people, whom I have the honor in part to speak for, should be silent in view of what I deem, and what I know they deem, so great and real a cause of sorrow.

It was not my privilege, Mr. President, to know Col. Tindall until I met him here as a member of this body, and though his name had reached me as the names of others had, no public circumstances had so directed my attention to him as to give me occasion to know his many and great virtues. When I first saw him, I was drawn instantly to him by his frank manner, by his manly character, and by the constant proofs of his clear and wise thought, and cool, calm courage; and it was not long until I saw that there, indeed, was a man who, while he would certainly always discharge with fidelity his public duties, however responsible, would never fail to adhere to the right; that he was one of that rare class whom wise men seek to bind to them with hooks of steel.

He was kind enough, I am glad to say, to admit me to his confidence and friendship, and I can truly say, in view of the trying responsibilities and arduous duties through which the members of this body have passed; through all the conferences in which it was my privilege to meet him—at all times when I sought his counsel and that of other wise men—I never knew him falter, doubt or hesitate a moment except in the earnest anxiety with which he sought to know a patriot's path of duty. Having found that, it seemed his only desire calmly, courageously and constantly to walk in it. And so, sir, I knew that when we heard from that great battle-field, in which he led a band of brave men, distinguished among a multitude of heroes—steadily advancing against the enemies of his country, to assert his and our rights—we would hear the intelligence of noble deeds well done; and when the sad news came with the lightning's flash that he was dead, it was not necessary to inquire *how* he died, for I knew that he died nobly. We indulge too often in indiscriminate and fulsome eulogy of the dead—and, indeed, it is a natural and a generous error—but when such a man dies, leaving the fruits of such a life as he led, even if we consider only the last few months of it, the truth, which is his best eulogy, should be spoken; we should treasure his memory, not only as a jewel of friendship, but as one of the priceless things belonging to the commonwealth itself, rich in its example to all her sons.

It seems to me, that now and here I hear his noble voice rising in exhortation to those brave men in arms who followed him upon the battle-field his blood enriched; and to those also who pursue that noble calling, and are here in their seats upon this floor, admonishing them, as they love their duty and their country, and as they desire to serve truly the God that made and blesses them, to see well that they remember and emulate his example. And to us, sir, who have not chosen those pursuits—to us who, in the walks of civil life, have resting upon us responsibilities and duties, which, while he lived, we shared with him, and now that he is dead, inherit from him, just as high, and great and noble, if well discharged, as those in which he lost his life—to you, sir, and to me, I think I hear his voice exhorting us to seek with constant, earnest, patient care, to find where duty calls us, and there constantly and faithfully to walk.

I cannot enter, Mr. President—for time would fail me—nor is it a pleasant occupation at such a time when only tender thoughts fill and touch the heart—into an analysis of the character of this good man. I will only say that I found him to be one of those men of simple, truthful nature—of high, true courage --calm, clear thought, and modest, but assured confidence in himself, without which, perhaps, no great achievements are possible. I found him failing in nothing required of him here, ready to do all with perfect courage that duty dictated. Deeply do I deplore his loss to his family—there, indeed, is a loss of which we cannot speak—for no man knows how great the gap, how terrible the gulf made in his family, bound to them, as he was, by a life of purity, tenderness and manly duty, well performed. You speak words of consolation, and no doubt they will be kindly received and gratefully treasured, but for all else they are idle, because they have no real power of consolation. Much, also, do I deplore his loss to this body and to the commonwealth, and to the whole nation, which now sadly needs the services of all its best servants. And yet, I cannot from my heart think but that it is best for him that it is so, for it is one of the greatest blessings God can give to a noble man, to permit him to be found doing his duty fully at the hour of death; to allow him to serve his country, and to testify his love for it by offering his life in its defence; and just in proportion as He calls upon him for great sacrifices, is the blessing great.

I cannot add anything more to what I have already said upon the impulse of the moment. I have felt it to be my duty, not only personally, but in behalf of those for whom I speak, to say this much at least. I earnestly second the resolutions.

The resolutions were then adopted, and the Convention adjourned.

THIRD DAY.

Jefferson City,
Wednesday, June 4, 1862.

The Convention met at 9 o'clock.

Prayer by the Chaplain.

The roll was called and sixty-six members answered to their names.

A DUPLICATE CERTIFICATE.

Mr. **Pipkin** offered the following:

Resolved, That the Committee on Accounts be instructed to issue to James C. Powers, Sheriff of Jefferson county, a certificate for $66, that being the amount issued to Philip Pipkin at the last session of the Convention by certificate, which is lost, mislaid, or destroyed.

Mr. President: I have the affidavit of Mr. Powers, Sheriff of Jefferson county, as to the loss of that certificate. I will state to the Convention that, in the payment of my tax in the county of Jefferson, I paid over to the Sheriff the certificate which I received for my services as a member of this Convention at the last October session. The Sheriff informed me, a few weeks ago, that it was lost; that when he came to pay over the revenue he supposed that he had the certificate, but found that it was lost or mislaid, and, therefore, he could not get credit for the amount.

The **President**. A duplicate certificate for the amount will be issued, if there be no objection.

No objection was made.

On motion of Mr. **Pomeroy**, Mr. McClurg was added to the Committee on Congressional Districts.

Mr. **McFerran** stated that the Committee on Elections would not be able to report before 3 o'clock P. M., and the Convention accordingly adjourned to that hour.

AFTERNOON SESSION.

The Convention met at 3 P. M.

Mr. **Allen** offered the following:

Resolved, That we repudiate and eschew the agitation of the slavery question in the State of Missouri at the present time.

Referred to the Committee on the Constitution.

SEATS OF MEMBERS TO BE VACATED.

Mr. **Bridge** offered the following:

Whereas, this Convention has sufficient evidence before it of the disloyalty of certain members who have absented themselves from its deliberations heretofore, and are now, and have been for months past, absent from the State and residents of the so-called Confederate States, where they have been and are now engaged in a wicked and traitorous attempt by force of arms to destroy the lawful authority of the United States Government as well as the Provisional Government of this State; therefore, be it

Resolved, That self-respect and a sense of justice to the people of certain districts in this State which are entitled to a full representation in this Convention, impel us to declare the seats of Sterling Price, of Chariton county, Robert A. Hatcher, of New Madrid county, Robert W. Crawford, of Lawrence county, V. B. Hill, of Pulaski county, John R. Chenault, of Jasper county, and Uriel Wright, of St. Louis county, vacant, and that their names be struck from the roll of this Convention.

Mr. Pipkin moved to add the name of W. W. Turner.

The motion was accepted.

Mr. Leeper moved to add the name of Gen. Watkins.

The motion was accepted.

Mr. Welch. I move to refer the resolution to a select committee to consist of seven members.

The motion was agreed to.

The President appointed as the Committee Messrs. Bridge, Allen, Busch, Calhoun, Eitzen, Gravelly, and Isbell.

SUPREME COURT DECISIONS.

Mr. Pomeroy offered the following:

Resolved, That the Secretary of State be and is hereby authorized to forward to the Clerk of the Phelps Circuit Court, for the use of the county, a full sett of the bound volumes of the Supreme Court Decisions of the State of Missouri.

I desire to say to the Convention that Phelps county has never received these Reports. We are entitled to them, but the Secretary of State is not willing to forward them unless authorized to do so by the Convention.

Mr. Breckinridge. Is there not a law already existing which provides for what is here proposed?

Mr. Pomeroy. I think so.

Mr. Breckinridge. What then is the use of passing this resolution?

Mr. Pomeroy. The Secretary of State does not feel authorized to send them under the existing act.

The subject was referred to a select committee, consisting of Messrs. Pomeroy, Smith of Linn, and Welch.

DISFRANCHISING PROPOSITION.

Mr. Meyer offered the following:

Resolved, That the citizens of this State who have by their own acts expatriated themselves ought not to be permitted to vote at any future election or hold office, unless restored to their citizenship by proper legislation, and that an ordinance to this end should be adopted by this Convention.

Resolved, That the Convention should pass an ordinance defining the crime of conspiracy against the people of the State, and providing for the punishment of all persons engaged in such crime by fine and imprisonment according to the nature and degree of the crime committed.

Mr. Meyer. Mr. President: Since civil war has been inaugurated in this State, an immense amount of valuable property has been taken from this State to the so-called seceded States, and this, too, has been done in direct violation of the President's proclamation, dated at the City of Washington, August 16th, 1861.

Among the property taken south, it is estimated that from 30,000 to 40,000 slaves from this State have been taken away. Aside from the wrong done in thus breaking the laws of Congress and the proclamation of the President, which forbid the intercourse between the people of loyal and the people of the rebellious States, there is a greater wrong of which I complain. It is the wrong done our own State and the aid and comfort given to the rebels. The State of Missouri will lose the labor of those negroes in tilling the soil, and the taxes which would have been due on them. This, at the present crisis, is no small matter. But in the proportion in which we lose, the rebels gain. They acquire that number of new hands to till the soil or to build fortifications for them. Is not that a serious matter for the people of this State to consider? And yet I have but mentioned one of the smallest items. Is it not time that something should be done to check the career of those who have thus, and are yet, daily aiding and abetting the enemy in this manner? I think it is.

Most of these men return after having, as they believe, taken their property to some place of safety, or out of the reach of law for the time being. They return, sir, to do what? Why to murder, rob—in fact, to commit every outrage know in the calendar of crime. Am

I wrong in this, or am I overdrawing this picture? Go look at the desolation throughout the State: see the whitening bones of the murdered at the roadside. Why are they there? Because they loved their country, obeyed its laws, and were true patriots that desired nothing but the preservation of the Constitution bequeathed to them by their fathers. And see the blackened walls of burnt houses. Who has done all this? Mostly men who have taken their all to the South, aided by that class of men that say they sympathize with the South. When arrested they say we have done nothing; true, our sympathy is with the rebels, but we have done nothing. Now, sir, I think those men should be taught that they must do something, and that that something must be an unconditional support of the Constitution and laws of our country, as declared by the people, and not as they choose to interpret it.

Persons have returned and are daily returning to this State to take the oath, and with that oath fresh on their lips, and with a copy of it in their pockets, they are doing what? Why, sir, they are doing that which will turn the fair State of Missouri into complete desolation and waste. I ask protection of you for the thousands of women and children of our beloved State. They must be protected, and you must do it. I am tired of calling out mercy when there is none to be returned. Do they show mercy to our soldiers and to loyal men? Is it not a daily occurrence that you read of a soldier being assassinated in some part of the State, or that Union families have been robbed and driven from their homes? We hear this daily; yet I am told to have mercy. I myself have heard over and over again, from rebels themselves, that they paid no regard to their oath. Do we not all know officers who have come forward and taken the oath in order to retain their offices, lose no opportunity to abuse the Government? How they laugh when a reverse befalls us! Yes, laugh with that laugh taught them by his Satanic Majesty to fully express their hellish joy.

I am happy to state, sir, that I have always been opposed to test oaths. I was one of the nine members of this body that voted against the oath, and in favor of turning all out. Loyal men might then have been re-appointed, and we should not now have traitors in office. The rebels have, by their acts against the expressed law of the Government, and against the wish and desire of the loyal people of this State, added to taxable property of States in rebellion and committed untold outrages. I desire to know, sir, and the people desire to know, if those traitors shall be permitted to return to this State and escape free? Shall they be put on equality with those of our citizens who, in defense of our Government, have spilt their blood and offered their all upon the altar of their country? Shall these patriots be upon the same footing with the traitors? I say, No! And the loyal people of our State will proclaim in thunder tones, No? But, sir, from the number of secesh sympathizers that have been appointed to high places, one would almost come to the conclusion that those that have been unconditional Union men from the commencement, and true through life, are to stand aside hereafter to give place to those sympathizers; and if, perchance, you desire to know the reason of their appointment, the answer is, “Oh! they are Union men, but only sympathize with the South!” Something, sir, must be done; this class of traitors are organizing over our State again to commit their hellish deeds. Can we be blind to the signs of the times? Have you seen the extracts from Southern papers? Sir, have you read the act of the rebel Congress legalizing guerrilla warfare and bushwhacking, only another name for murder and robberies? Shall we lie idle and let this terrible scourge come over us. The meanest beast and the greatest coward fights in self-defense. Shall this great State stand still and await to receive her death blow? or shall we now prepare to meet the emergency, strengthening our military by passing such laws as will protect good citizens and bring sure punishment to the guilty? I know that rebel sympathizers talk to us of forbearance; they say we must bring back these misguided men by kind words Oh, surpassing charity! ever flowing milk of human kindness! But do they themselves practice it? I point, sir, to the refugees who came through snow and ice and rain, in the middle of an inclement winter, driven away by these *charitable* chivalry—these men, so sensitive of their honor, so generous. Go ask the little children who, barefooted, waded through the snow to escape them! Go ask the Union men everywhere; ask them, I say, and see if they reply that mercy was shown them. Secession sympathizers may, on the other hand, point to jayhawking on our western frontier—outrages committed on our citizens by men acting as officers in the army of our Government. My reply is, that they are no better than rebels. But the leaders of this rebellion are also responsible for *those* crimes. If they had not brought these troubles upon the State, we should never had cause to complain of evil disposed citizens of neighboring States. As a case in point to my argument regarding the danger from a guerrilla warfare, I would call the attention of this Convention to the following facts: A short time ago a Government train, as well as the United States mail, was robbed a few miles from Rolla. Four of the party were subsequently arrested by our military. They confessed that they had robbed the mail and destroyed the train, but gave as an excuse that it was done by order of Colonel Coleman, who derived his authority from General Price, of the Confederate army, to organize guerrilla bands for Missouri.

Here, sir, is the fact established; we are to have a renewal of the past outrages in our State; again our commerce, our manufacturing and agricultural interests are to lie dormant. Life and property are again to be placed in the hands of a set of rascally and desperate traitors, who are too cowardly to meet our army on the open field, and whose grand object is only to satisfy their hellish desire for blood and plunder. Again, sir, I ask for protection, by a law from this Convention; now is our time to give to the people this protection. In a few months it will be too late; an outraged people will take the matter in their own hands, and then woe! thrice woe! to our State.

Mr. President, we do not alone want a law passed by this Convention, declaring these waylaying assassinations a hideous crime, and punishing such as are engaged in any manner in aiding and concealing the guilty, to the full extent of our constitutional limit; but we also want a proper disposition made of those who have taken their property from this State to aid and abet the rebellion.

Shall they, after the strong arm of our Government has crushed this rebellion, be permitted to return and bring back their negroes? I trust not. I do not believe they ought to be regarded as citizens, and their slaves ought never to be permitted to return to them in this State. All those that have taken their effects south should be declared *aliens* and not enjoy the right of citizenship again until they comply with our alien laws. This Convention ought to make and declare all such aliens.

The resolutions were referred to the Committee on Elective Franchise.

Mr. STEWART offered the following:

Resolved, That our soldiers have got the guns in their own hands, and they ought to keep them until the rebellion is over.

Mr. POMEROY offered a bill punishing, by fine and imprisonment, any person or persons who shall hereafter wilfully disturb any court of record in this State when the same is in session.

Referred to the Committee on Constitution.

EXEMPTING COUNTIES FROM TAXATION.

Mr. COMINGO introduced a bill releasing the citizens of Cass, Jackson, and Bates counties from the payment of their State taxes for the years 1861 and 1862. He said:

There may be some little impropriety in my offering this ordinance at this time, inasmuch as my colleague offered a resolution yesterday looking to the same object, which was referred to the Committee on Finance; but knowing that the committees will be pressed with the work that is before them, I have drawn up the ordinance which has been read. The ordinance, I have no doubt, strikes the mind of the members of the Convention as being rather extraordinary, and I am free to confess that at first blush it does look as though it were extraordinary; but there are facts which, it seems to me, if thoroughly understood by members of the Convention, will divest it of its extraordinary appearance, and give it the semblance of justice, and that will show that, in asking this for these counties, I am not asking more of the Convention than it becomes their duty to grant us. I do not appear before this Convention with any impracticable proposition, but I come before you with the utmost good faith, and believing it is due to the people of these counties that they should receive what is demanded by this ordinance. It perhaps looks as though the people of the counties of Jackson, Cass, and Bates, were asking at the hands of this Convention a peculiar favor, but it does not so appear to my mind. We ask no special legislation, and we would not come before this body were not our cause a just one. We do come before this body as the only one which can afford the relief which is demanded.

When the people of any community, or of any State, agree to pay taxes, they do it with the express or implied understanding that they shall receive certain benefits in return. One of these benefits is protection of their property. Now, I presume the people of Jackson county are not disposed to complain of the Government of Missouri for the non-fulfillment of its obligations and duties. I presume the Government of Missouri did all in its power to protect the people of these counties against the injuries which they suffered. We are not disposed to complain of the Government of Missouri, or ask to be discharged from the fact that Missouri has not done what she promised to do. But, sir, we come before you on the ground that we believe the counties named in the ordinance are unable to pay their taxes; and we believe, furthermore, that the people of these counties ought not to be required to pay their taxes during the present year. They are very greatly indebted to each other; almost every man in those counties is more or less in debt. The farmer or the mechanic is indebted to his merchant, and the merchant is indebted to the wholesale dealers in St. Louis and elsewhere. I do not mention this as an excuse for the non-payment of their taxes, but to show their condition, and that in consequence of this very great indebtedness they are less able to pay the taxes which are due the State of Missouri.

Now, sir, what are the facts with regard to the people of these counties? I do not think that because of the indebtedness which hangs over them, growing out of their own contracts with their fellow citizens, that they ought to ask or receive favors from this Convention; but the facts are, that they have been disabled by certain circumstances which have occurred within the past year, not only to pay their ordinary debts contracted with their fellow citizens, but they have been disabled from the payment of this heavy debt to the State of Missouri. It is well known, I presume, to you, Mr. President, that the people of these counties have suffered more from the violence of the times than any other counties in the State of Missouri, unless it should be those in the extreme south-east and west. Men who, months ago, were in affluent circumstances, who had an abundance to spare of the good things of this world, are now reduced almost to a state of poverty. Men who hitherto have not known what the word "want" meant, so far as their own circumstances were concerned, are now reduced to the most extreme want, and have not the means to procure for themselves such things as are necessary for their subsistence and that of their families. Do you ask under what circumstances they have been thus reduced? Has it been on account of any profligacy or by their own acts? Perhaps, in some instances, they have been guilty of acts of disloyalty, but this condition of affairs does not confine itself to those whom we now term disloyal, but it is universal. The men who are the most loyal have suffered as much as those the most disloyal. In some instances, men the most disloyal have escaped, while the most loyal have suffered. The whole community has suffered—not, sir, from one party alone—I would not make such a remark, because it is not true as a matter of fact. But, sir, we have suffered from both parties. We do not hold up these grievances as being worthy of redress because we have suffered from one or the other party, but we ask it as a matter of justice. I care not from what source the injury came. Within the past few months, property in these counties has depreciated and been greatly diminished. An immense amount of property has been taken from the people of these counties—property that was assessed for 1861, and upon which the taxes have not yet been paid. During the months of December, January, and February, from time to time, immense cavalcades of mules, horses, wagons, and almost every imaginable kind of property, was removed from these counties out of the State, and it will never be returned. For miles and miles the road would be lined with the property of the citizens of these counties which had been removed from them by force and violence, and which has never yet been returned and never will be. Not only have they been deprived of this property—immense numbers of slaves, horses, mules, wagons, and all that—but they have been deprived of the very necessaries of life. Their houses have been entered, and their silver ware, jewelry, bed clothing, and the clothing with which they covered their nakedness, have been taken from them, and they have been left utterly destitute. Their homes have been made desolate; the houses which sheltered them from the storms have been burned, they being first driven from them in midwinter, and left destitute of the very necessaries of life. The value of their real estate has thus been greatly diminished. I might safely say that one thousand families in these three counties have been deprived of the necessaries of life, not only of clothing and food, but of the houses which hitherto sheltered them from the storms, and in which some of them had invested the earnings of half a life-time. Ride through these counties now, and I defy any man to go twenty miles in any direction without seeing incontestible evidence of the violence that has prevailed throughout their length and breadth.

As a matter of course, sir, these people who have been thus impoverished are unable to pay their taxes. Not only have they thus been deprived of their property, but they have been insulted and injured and outraged, without regard to party or sex. Perhaps I should not allude to this; but I will add, that, without regard to sex, they have sustained injuries and insults which time can never efface. Ladies have been cursed at their own doors and firesides, forcibly ejected from their own houses, and offered every other indignity and outrage that the human mind can conceive of. This I mention as a part of the history of the times to show how these people have suffered. But, without alluding further to these personal indignities, of which they have a right to complain, I will refer you to the value of their property which was taxed in 1861, of which they have been deprived by violence, and upon which these people are all liable to pay taxes unless this ordinance should pass. According to the best estimate that can be made of such property, it falls not far short of $5,000,000. It is estimated from $4,500,000 to $6,000,000; but from the best estimate I can learn, the property that has been taken from individuals amounts to at least $5,000,000.

The injuries of which I have spoken have been inflicted upon individuals. Every individual in the community has not suffered directly, but the whole mass of the community has suffered indirectly, and as a matter of course the entire community must feel the loss directly or indirectly. The effect has been to crush out the energies of that people. You find scores of farms that are not under cultivation. Not one acre in twenty in those counties is under cultivation. But few farmers in those counties will be enabled to raise enough to sustain themselves. Many must suffer from want unless they have something remaining from the past year, for they will not be able to sustain themselves by the products of the present year. Many cannot cultivate their garden spots without borrowing stock and tools for so doing. Now, what do a people in that condition deserve from this Convention or from the people of Missouri? Should they be required to pay taxes on millions of dollars of which they have been deprived? Is it just that they shall be required to pay taxes upon $5,000,000 which has been taken from them? or is it not more just and equitable to the people of those counties to say, we demand nothing of that sort? It is true, sir, the whole State has suffered from this civil war, but upon the people of these counties it has fallen, I think, with more terrific force than anywhere else.

In times of peace, when the cry of distress has come from other quarters, when our kindred of the South have been visited by "the pestilence that walks in darkness and the destruction that wastes at noon-day," the people of this State have cheerfully contributed to their wants; and now, when these people, citizens of this commonwealth, have suffered from the evils of war, will the people of the State turn a deaf ear, and refuse to give them the aid and relief which is demanded as a matter of justice? I trust nothing of this sort will be done. It would seem to me as a terrible injustice to say to them, "pay me all thou owest"—to say to the people of these counties, we require the utmost, the last cent due, even under existing circumstances. I trust, although I may feel differently on this subject—although my desire may mislead my judgment—I trust the only answer that will be given to the ordinance will be a hearty yea and amen. I should regret exceedingly if it should be otherwise. If the ordinance should be referred, I trust before we shall adjourn the committee will give it the consideration which I think it merits.

Mr. McDowell. I move to amend by including the counties of Dade, Jasper, Burton, and Cedar.

Mr. Orr. I move to amend by including all the counties composing the Sixth Congressional District, except Gasconade, Osage, and Maries. I believe the proposition of my friend from Jackson is correct. I believe that a sense of duty due from this Convention to the people of the counties he represents, demands that his proposition should be passed; and while I believe that the whole Congressional District represented by Phelps (except the counties I have excluded, and which I did from the fact that civil war had not devastated them, and not from any disrespect to those counties) should be included in the same proposition. Aside from the counties I have named, there is not one solitary county in the district represented by Phelps but what has been laid waste, so that the people are unable to pay their taxes. If they are compelled to pay their taxes for 1861–2, it will have to be done by selling the land, and the farmers will be driven from their homes. Their houses have been burned down, and their crops of the last year have been consumed by one army or the other. Their land has been overrun by an army, not one time, but three or four times, and the country has been swept as with the besom of destruction, so that, in thousands of instances, no crops can be raised in Phelps' district, for lack of fencing; and, in thousands of other instances, for lack of horses and the implements of agriculture. This being the condition of these people, the Convention is in duty bound to pass an ordinance exempting these people from the payment of their taxes for 1861-2. Every sensible gentleman here knows that an army of fifty-thousand or a hundred thousand men cannot be marched over a country three or four times without devastating it. I repeat, if we are called upon to pay our taxes we cannot do it, and our land will have to be sold. We have not got the money, and if the land is to be put up at sale, it will change the whole population of the country. I do no injustice to the people of any other portion of the State when I say the people of Phelps' district stand higher on the record in regard to the payment of their taxes than the people of any other portion of Missouri. I can take you to the office of the Register of Lands and show that the county of Greene paid her tax for 1860 within a few days after it was due, and that there was only $14 on the delinquent list. But if this land in Southwest Missouri is put up at sale somebody else will buy the land and pay the taxes, and the people who have heretofore paid their taxes so promptly will be forced from the country. I hope this Convention will do what is just and right, because it is much better for the people who have not been overrun by either army, to bear the brunt of the tax than to bear what we have had to in the destruction of our property.

Mr. **Broadhead**. I move to refer the matter to the Committee on Finance.

The motion was agreed to.

REPORT OF COMMITTEE ON ELECTIONS.

Mr. **McFerran**, from the Committee on Elections and Elective Franchise, reported three bills: First, a bill to continue the present officers of the State in office until 1864; second, a bill repealing certain ordinances submitting the action of the Convention to the people; and, third, a bill defining the qualifications of voters in the State of Missouri.

Mr. **Hitchcock**, a member of the Committee on Elections, dissented from the last section of the bill defining the qualifications of voters.

Mr. **Howell**. As a member of the Committee on Elections and Elective Franchise, I have given my assent to the ordinance repealing certain ordinances passed heretofore, in relation to the submission of these ordinances to the people at the next August election. I have also given my assent to the ordinance continuing the present Provisional Government in office until the 1st *Monday of August*, 1864, or until their successors may be elected and qualified. I have not given my assent, in committee, to the ordinance which has been reported regulating and modifying the right of the elective franchise. To carry out the system which has been inaugurated by that committee, in the ordinances to which I have given my assent, I desire, as the minority of that committee, to propose another ordinance which I will ask to have read.

The Clerk then read the bill.

It postpones all elections, and provides that the various officers to be elected at the coming election shall be appointed by the Governor.

The several bills were ordered to be printed, and were made the special order of the day for to-morrow at 2 o'clock P. M.

The Convention then adjourned.

FOURTH DAY.

Jefferson City,
Thursday, June 5, 1862.

The Convention met at 9 o'clock.

Prayer by the Chaplain.

RESOLUTIONS AND REPORTS.

Mr. **Broadhead**, from the Committee on Congressional Districts, reported a bill dividing the State into nine Congressional Districts.

Mr. **Busch** offered a resolution to reduce the number of members of the House of Representatives to one hundred.

Referred to Committee on Constitution.

Mr. **Scott** offered the following:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of taking action for the purpose of passing the tax books for the year 1861, in the hands of the collectors, to the respective counties.

Referred to the Committee on Finance.

Mr. **Hall**, of Buchanan, from the Committee on Constitution, reported a bill to repeal the seventh section of the ordinance providing for abolishing certain offices, reducing salaries, and testing the loyalty of persons in this State, adopted by the Convention at its last session. The bill further provides that all appointments made in conformity to the sixth section of the ordinance aforesaid, shall be valid from the time said ordinance was adopted, anything in said section to the contrary notwithstanding.

The bill was laid on the table and ordered to be printed.

Mr. **McFerran**, from the Committee on Elections, reported that it was inexpedient to legislate in reference to a bill introduced by Mr. **Eitzen** to repeal an act providing for the election of County Court Justices in Gasconade county.

The report was adopted, and the Convention adjourned to 2 o'clock.

AFTERNOON SESSION.

The Convention met at 2 o'clock P. M.

QUALIFICATIONS OF VOTERS.

The **President**. The special order being the Report of the Committee on Elections and Elective Franchise, it will now be taken up.

Mr. **Howell**. I move then to pass over the special order, inasmuch as this bill is very lengthy, and we have not had time to examine it with critical care since it was laid upon our tables; and to take up another ordinance reported by the same committee, "An ordinance to repeal certain ordinances submitting the action of the Convention to the people of Missouri, and for other purposes." It has not been printed, but it is very short.

The **President**. I will state that the original ordinance is in the hands of the printer, and it cannot be acted upon unless we have the original draft.

Mr. **Broadhead**. I hope we will not pass over the special order. This bill was printed and laid on the desks of members at 11 o'clock this forenoon, and ample time has been given members to examine it closely, and I think we are as well qualified to act upon it now as we shall be at any other time.

Mr. **Howell**. Before the vote is taken, I ask the Secretary of the Convention to read the title of the ordinance I propose to take up It was reported by the unanimous consent of the Convention.

The **President**. I will state that the ordinance desired to be taken up is not in the possession of the Secretary. It was sent to the printer, and has not yet been returned.

The motion to postpone the special order was lost.

The bill was then taken up, and, on motion of Mr. **Broadhead**, considered by sections.

The following is the original draft of the bill:

AN ORDINANCE DEFINING THE QUALIFICATIONS OF VOTERS AND CIVIL OFFICERS IN THIS STATE.

Be it ordained by the People of the State of Missouri in Convention assembled, as follows:

Section 1. No person who has, since the 1st day of August, A. D. 1861, taken up arms against the United States, or who has since that time adhered to or given aid, assistance or encouragement to those engaged in carrying on the present rebellion, shall be qualified to hold any office of honor, trust or profit under the Constitution and laws of this State, nor to vote at any election held under or in pursuance of said Constitution and laws, from and after the passage of this ordinance: *Provided*, that the General Assembly of this State may, at any time, repeal or modify this ordinance, or any part thereof, with respect to such persons, and upon such terms, whether by general or special act, as in their judgment the best interests of the commonwealth may require.

Sec. 2. No person shall vote at any election to be hereafter held in this State, under or in pursuance of the Constitution and laws thereof, who shall not, in addition to possessing the qualifications already prescribed for electors, previously take an oath in form as follows, namely: "I, ——, do solemnly swear (or affirm, as the case may be) that I will support, protect, and defend, the Constitution and Government of the United States, and the Constitution and Provisional Government of the State of Missouri, against all enemies and opposers, whether domestic or foreign; that I will bear true faith, loyalty, and allegiance, to the United States, and will not, directly or indirectly, give aid, comfort, or countenance, to the enemies or opposers thereof, or of the Provisional Government of the State of Missouri, any ordinance, law, or resolution of any State Convention or Legislature, or of any order or organization, secret or otherwise, to the contrary notwithstanding; and that I do this with a full and honest determination, pledge and purpose, without any mental reservation or evasion whatever. And I do further solemnly swear (or affirm) that I have not, since the 1st day of August, A. D. 1861, taken up arms, or levied war against the United States, or against the Provisional Government of the State of Missouri: So help me God."

Sec. 3. It shall be lawful for the judges of elections to administer such oath to all persons offering to vote, and in case of any indictment or prosecution for perjury committed by falsely voting or wilfully violating said oath, as hereinafter authorized, proof that any person charged with such crime has voted at any election hereafter to be held in this State, under the Constitution or laws thereof, shall be *prima facie* evidence that the person so proved to have voted had previously taken the oath prescribed by the preceding section.

Sec. 4. Any judge of election who shall receive or record, or permit to be recorded, the vote of any person who shall not previously have complied with the provisions of the preceding second section, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by fine of not less than one hundred nor more than one thousand dollars, or by imprisonment for not exceeding two months, for each offense. And if the vote of any person whatever shall be challenged for either of the causes mentioned in the first section of this ordinance, the judges of election shall decide upon his right to vote as in other cases of challenge.

Sec. 5. Every person who shall hereafter be elected or appointed to any civil office within this State, under the Constitution and laws thereof, whether State, county, or municipal, shall, before entering upon the duties of such office, take and subscribe an affidavit, in form as follows: "I, A. B., do, on oath declare, (or solemnly affirm, as the case may be,) that I have not, during the present rebellion, taken up arms or levied war against the United States, nor against the Provisional Government of the State of Missouri, nor given aid, comfort, or countenance, to the enemies or opposers of either, whether domestic or foreign. And further: that I will support, protect and defend the Constitution and Government of the United States, and of the State of Missouri, against all enemies and opposers, whether domestic or foreign, any ordinance, law, or resolution, of any State Convention or Legislature, or of any order or organization, secret or otherwise, to the contrary notwithstanding; and that I do this with an honest purpose, pledge, and determination, faithfully to perform the same, without any mental reservation or evasion whatever. And further: that I will faithfully demean myself in office, and perform the duties required of me by law." Which affidavit being filed by State officers in the office of the Secretary of State, and by all county and other officers in the office of the Clerk of the County Court (or other officer charged with equivalent duties) in the county wherein they respectively reside, shall be a sufficient compliance with the existing requirements for oaths of office.

Sec. 6. Any person who shall falsely take or having taken, shall thereupon wilfully violate any oath prescribed by this ordinance shall, upon conviction thereof by any court of competent jurisdiction, be adjudged guilty of the crime of perjury, and shall be punished therefor in accordance with existing laws. And it shall be the duty of the judges of all courts having criminal jurisdiction under the laws of this State, specially to charge the grand juries in the counties in which such courts shall be held respectively, and of all grand juries, in the performance of their duties under the laws of this State, specially to inquire concerning the commission of any act of perjury mentioned or made punishable by this or any other ordinance adopted by this Convention.

Sec. 7. The present incumbents of all civil offices in the State, except that of Governor, Lieutenant Governor, and Secretary of State, shall, within forty days after the passage of this ordinance, take and subscribe and file in the office of the Clerk of the County Court (or other officers charged by law with corresponding duties,) in their respective counties, in which such incumbents reside, an oath of like purport to the affidavit prescribed in the preceding fifth section hereof. It shall be the duty of the Clerks of said County Courts, or other similar officers, respectively, to notify the Governor, without delay, of all cases wherein the incumbent of any civil office hereby required to file such affidavit shall have failed to do so within the time above limited; and all offices whose incumbents shall so fail to take and file such affidavit, within said time, are hereby declared vacant; and all vacancies so occurring shall be filled in accordance with existing laws, as in case of vacancy by death, or resignation; and the failure of any person, who shall hereafter be elected or appointed to any civil office in this State, to take and file the affidavit prescribed by said fifth section hereof within fifteen days after receiving the certificate of his election or appointment, shall in like manner cause such office to be vacant, which vacancy shall be filled in accordance with existing laws.

Sec. 8. Any person now holding any civil office in the State, except those of Governor, Lieutenant Governor and Secretary of State, who shall fail within the time limited in the last preceding section to take and file the affidavit therein mentioned and required; and any person who, being hereafter elected or appointed to any civil office, shall fail to qualify by taking the oath prescribed in the fifth section hereof, within the time limited in such cases in the last preceding section, but who shall, after a vacancy thereby created in such office, as hereinbefore provided, attempt to exercise or perform any of the duties, or to enjoy any of the rights or privileges thereof, shall, upon conviction, be adjudged guilty of a misdemeanor, punishable by fine of not less than three hundred nor more than three thousand dollars, or by imprisonment in the county jail for not exceeding six months.

Sec. 9. Any person, otherwise a qualified elector under the Constitution and laws of this State, who has been induced to levy war against the Government of the United States, or the Provisional Government of this State, through fraudulent misrepresentations, supposed obligations of duty or duties, and who has wholly abandoned all allegiance and fidelity to ex-Governor Jackson, and the so-called government of the Confederate States of America, shall be allowed to vote by taking the following oath:

"I, A. B., do hereby, on oath (or solemn affirmation,) deliberately and wholly abjure all duty, allegiance and fidelity to ex-Governor Jackson and the so-called government of the Confederate States of America; that I will support, protect and defend the Constitution and Government of the United States, and the Constitution and Provisional Government of the State of Missouri, against all enemies and opposers, whether domestic or foreign; that I will bear true faith, loyalty and allegiance to the United States, and will not, directly or indirectly, give aid, comfort, or countenance, to the enemies or opposers thereof, or the Provisional Government of the State of Missouri, any ordinance, law, or resolution of any State Convention or Legislature, or any order or organization, local or otherwise, to the contrary notwithstanding; and that I do this with a full and honest determination, pledge and purpose, without any mental reservation or evasion whatever: So help me God."

The Clerk read section one.

Mr. **Orr.** I offer the following amendment to this section: "Strike out of the first section all after the word 'State,' in the fourth line, to and including the word 'ordinance' in the sixth line," and "amend the second section by striking out all after the word 'whatever,' in the twelfth line, and the word 'Missouri,' in the fifteenth line."

Mr. **Broadhead.** The second section is not before the house.

Mr. **Stewart.** I think I have a right to say something on this bill as Chairman of the Committee on Military Affairs.

Mr. **Doniphan.** This bill is not reported from your committee, Governor. It is one of Mr. McFerran's offspring.

Mr. **Orr.** Within no period of my life have I appeared before a body of intelligent men laboring under so much embarrassment as I do upon the present occasion. I stand to-day in the midst of the only conservative Convention that has been called since our present difficulties have been rushed upon us. I stand in the midst of the only Convention that has refused to pass a secession ordinance. I am proud, therefore, to stand in the midst of the only Convention that has shown itself to the world, by its official conduct, as worthy of the confidence that has been reposed in it by the people of this State. While I am proud to say this much for this conservative body, I nevertheless stand here to-day trembling, because I fear this body will be rushed into that ultraism that will not only ruin the people of Missouri, but greatly injure the Government of the United States. While our action heretofore has been governed by moderation, there is danger now that we may be governed by our passions and prejudices, rather than by our judgment. I do not appear to-day as the advocate of individuals who have tried to break up the Government. They are not entitled to my advocacy or anything else at the hands of the Convention, beyond that of sympathy, and when I say this I do not want to be understood as sympathizing with treason. But I will say that I have sympathy for traitors, as well as rogues and the meanest of God's creatures. I have none, however, with treason. What do we propose to do in this first section? We propose to say that no individual that has been in rebellion shall be allowed to vote at any election in the future, unless the Legislature of Missouri thinks proper to modify this ordinance. We propose this as a punishment for treason, and yet we have no right whatever to prescribe the punishment for treason. We have, however, the right to define treason, and there is a proper way by which those guilty of that crime can be punished.

What benefit then do we expect to derive from preventing those individuals from voting? We expect to elect men loyal to the Government of the United States and the State of Missouri; and that much is right, and I do not propose to strike it out. Any individual that has attempted to break up the Government, has no right, henceforth and forever, to help administer its laws, and I am perfectly willing that this restriction shall go down to the latest posterity. But we go further, and say that no individual that has been engaged in the rebellion shall be allowed to vote. I ask this Convention to think calmly, coolly and deliberately, as to the effect this will have in the community in which we live. Will we aid in crushing the rebellion by so doing? if so, this first section should be adopted. But this will not be the result. We are about to use the language of the primitive secessionists a year ago, that is, "we demand what is right, and will take nothing that is wrong." I hear men in this body that were conservative a year ago, and with whom I was proud to act, saying that we are going to demand what is right, and take nothing that is wrong. I have not been able to do that through life. Price's army came to my house and robbed me of whatever they desired. You would say, had I been there it would have been right to have shot them. Since that time, Union troops, headed by ten or fifteen negroes, have searched my house and taken what they wanted. They made my children open every room, while they searched it and carried off whatever pleased their fancy. Would you not say I ought to have shot them? Of course, but to have laid the smallest stripe on one of those darkies would have been equivalent to self-murder. So it is plain, we cannot always get what is right. Now, when we have passed this bill, will men lay down their arms? If so I am for it. There is a large secession element that has been in Price's army. Do you contend that by the passage of this law they will become peaceable citizens? I cannot see it in that light. From the best investigation I have given the matter, you will, by the passage of this bill, force the last man of them into a solid phalanx, in which desperadoes will fight to the death. Is it the policy of this Convention, or for the interests of your constituents, to do anything that would cause such an array of opposition as that? There are individuals who have been in *Price's army for the purpose of* stirring up insurrection, and while that is the fact, there are hundreds of them sick and tired of the rebellion, hoping that something will be done here to keep Price's army from ever coming back to this State, and that they may be enabled, after a time, to enjoy the peace and quiet of friends when they return home. But what else? Sir, there is not a solitary member of this Convention that has not some relative in the rebel army. It is true that is no reason why we should do wrong, but it is a reason why we should not array this army against us, unless some good can arise from it. We all know how *individuals* have been drawn or forced into the rebel army. Who would have supposed, a year ago, that Major Claib. Jackson and Sterling Price could have forced almost one-half of the people of Missouri into this rebellion, after more than one hundred thousand of the people of the State had declared in favor of the Union, the stars and stripes, and the enforcement of the laws? Has there not been such an array of force against us as to cause a great deal of trouble? Now, sir, what good can arise from excluding such a large proportion of our population from the ballot-box? Why, sir, in excluding these individuals we exclude some who *ought* never to vote, and in excluding them, also, we will exclude some who have the same right to vote that you and I have. Men have been impelled into this rebellion by surrounding circumstances. I know how it was in my county. I knew many men in the Home Guards that were as good Union men as I or any of you, and they stood with me in the ranks of the Union army. They remained steadfast to the Union after the battle of Wilson's Creek, and until Frémont went back there. After Frémont retreated and left them to be again run over by the secessionists, Price mounted the rostrum and said: "Lincoln *had to have these men to keep down rebellion* in New York; that they would never return again, and that the only alternative left them was to help to put down those vandals that were attempting to overrun the South."

These men were thus forced into the Secession ranks, and when our army went back again, many of them ran off to the South, fearing they would be arrested as traitors. Talk to me about disfranchising such men—young men that have been forced into rebellion by false pretenses, and by the many lies, slanders, and telegrams circulated through the country! I have a neighbor who was a Union man, and one of the best men, in my opinion, we had in the county; he is an illiterate man, and cannot write his own name, or read a word. He, together with his sons, joined the Home Guards, and he remained firm for the Union until Frémont's army left, and then he was forced—believing the Union was broken up—believing that because he had seen the best equipped army that ever marched on the continent retreat and forsake the people in that region, without any reason that he could see—I say, he was forced by the secessionists to believe that the whole thing was hopeless, and that his only alternative was to go with the army that remained. Under this belief, he went away with the Southern army; and when our men returned, they burnt his house and destroyed his property; and now must he be disgraced and degraded forever? Are we to refuse protection to him, and treat him as an alien or an outlaw? This bill would make us do so. I am unwilling to say that such men shall be degraded for all time to come. But further, let us pass this bill, and we shall place every individual that has been in the rebellion, lower than the criminal that is pardoned out of the penitentiary for horse stealing; because, if there is a criminal in the penitentiary for horse stealing, and Governor Gamble pardons him out, he has the right to vote at any future election. But you declare in this bill that individuals who have been engaged in the rebellion shall be placed below the criminal, and shall not be allowed to vote, no matter how well they conduct themselves. Now, sir, if you pass this bill, every solitary individual that has taken up arms against the Government will never come back to this State, unless he comes back to shoot, rob, murder and destroy. Every solitary individual in the South that has taken the least part in this rebellion, will be told what Missouri has done. The leaders will tell them that, while our commanders offer them protection if they will lay down their arms, the Convention of Missouri has gone so far as to say they shall never be allowed to exercise the right of citizenship. There is nothing the leaders of the rebellion so much desire as action of this sort. At the present time hundreds are returning to take the oath, give bond, and lay down their arms. They desire once more to live in peace with their wives and children; but the moment we pass this bill, we force them back again, and Price will say, "well done, good and faithful servants, you are doing the work better than I did when I was there." I am prepared to say they should never vote again, if that would make peace, but I am unwilling to inflict vengeance upon anybody when, by so doing, I inflict it upon my children, and upon future generations. We have had civil war here for a year. I have suffered, and so have you. I am tired of it, and I want to do nothing that will prolong the war, or cause unnecessary bloodshed. I want the rebellion put down, but I do not want any member of this Convention to vote for anything like the provision contained in this bill; for if we pass it, we shall rush these individuals into a solid phalanx against us. Is there a man here prepared to take any action that will lengthen this war? Before God, I believe if we pass this bill as reported, we shall exasperate these rebels so that they will prosecute the war until long after you and I have gone to our graves. And it is because of this conviction that I am not prepared to vote for it. I do hope, trust, and believe, that this body will think and calmly reflect before they do that which, in my opinion, will seal the destiny of this State and country for all time to come.

I expect, after what I say here to-day, that a large class of the people will call me a nullifier. When I became a candidate for this Convention, the secessionists stigmatized me as an abolitionist; but I intend to vote always regardless of these epithets, for what I think is right, even though I am called abolitionist and nullifier both. I came here as a conservative man, and I appeal to the conservative men of this Convention to reflect before they take the action here proposed. So far as this bill relates to the candidates for office, I am satisfied with it, and am prepared to make it as stringent as desirable. But there is another provision in this bill that it may be well to consider in this connection. It says no man guilty of treason shall be allowed to vote. How are you going to ascertain whether he is guilty of treason or not? You are going to challenge him before he votes. I go up to the polls, and my friend Leeper being present, says, that man has been in Price's army. How does he know? Well, he saw me there, or he heard I was there, and upon that testimony they have the right to jerk me up, and I suppose they have the right to make me swear. Is that the way we are going to decide these important matters? The law provides that any individual convicted of the infamous crime of treason forfeits his right of citizenship. If we are disposed to say that a man convicted of treason shall not be allowed to vote, I am for it; but if you say a person simply *charged* with treason shall not be allowed to vote, I am against it; for I am proud to know that I live in a country where charge and conviction do not mean the same thing. Mr. Leeper may be mistaken. He goes before a magistrate, infuriated against me, and swears he saw me in Price's army. That is sufficient, and I have to stand aside. Now, I do not want to have charges got up so easily. If I am to be disqualified as a voter, I want to have a fair and impartial trial before a jury of my country; and then if I am disgraced and found guilty of treason, why, then stigmatize me as I deserve.

Again, this ordinance excludes all who have given aid and comfort, directly or indirectly, to the rebellion. I do not know but that they may attempt to exclude me from the polls under that provision. When I was at Rolla, I arrested one of my neighbor's negroes and endeavored to send him home, but I was arrested myself for doing no more than what I considered my duty, and I think it probable the very men who caused my arrest would endeavor to exclude me from the polls on the plea that I gave aid and comfort to the enemy. What sort of a precedent is it to say that every man who has given aid or comfort to the enemy shall be disfranchised, without first giving a definition as to what aid and comfort is. The soldiers in Price's army consumed a good portion of my substance. They quartered their sick at my house and my wife took care of them, and their contagious diseases prostrated my whole family. Yet, under this ordinance, that might be considered as giving aid and comfort to the enemy.

I am opposed to this proposed action therefore, and I hope this Convention will not launch out upon the sea of uncertainty, but that they will think about the effect of this bill before they vote for it.

Mr. Hitchcock. I propose, Mr. President, to make a few remarks upon the subject. I hope there will be a further discussion upon this question, and presume there will be; and I would rather have heard further the reasons which may be urged in favor of this proposition; but as I do not see any one rising to discuss it, and having been not only on the committee that reported the ordinance, but probably the member of that committee with whose views this ordinance especially coincided, I shall, therefore, ask the attention of the Convention for a few moments. I must say I was surprised to hear my friend from Green take the view that he did of this subject. I know he is sincere in all his views, and I know there is no more patriotic man than he is in the State. His position, his trials, his personal losses since the rebellion commenced, show this to be the fact. But I am obliged to differ with him in regard to this ordinance. As I understand that gentleman's objections, they are embraced under these heads: He admits, in the first place, (and I am glad of that, for it saves argument which I hardly think would be required) that this proposition is a just one, and that as far as the rebels are concerned, or as far as the class reached by the ordinance is concerned, there is no reason why they should not be subject to this provision. At the same time a portion of my friend's remarks I thought implied a misapprehension of its nature. This provision is not urged as a punishment for treason. It is true the law provides a punishment for treason, and it is not inappropriate to remember what the punishment is. Reference to the "act concerning crimes and punishments" in the statutes of Missouri shows that for the act of treason itself, death, or imprisonment in the penitentiary for not less than ten years, is the punishment. Then it goes on to treat of misprision of treason, and also of the giving aid and comfort to it, and so through every grade of the offense, and in the most elaborate and explicit terms puts the ban of the law upon not only active, but incipient disloyalty. It further provides that a man convicted of any offense of the nature spoken of shall be forever incompetent to serve upon a jury, vote, or hold any office. As far as the nature of this ordinance is concerned, if it were intended as a punishment for treason, it is precisely equivalent to that which is provided by law, and that which every man engaged in this rebellion knew he encountered the risk of when he began. It is manifest, then, that this is a perfectly just ordinance, as far as the rebels are concerned.

But the argument of the gentleman from Green was based upon expediency, and I will take it upon that ground. Now, sir, I desire to say that this proposition is not prompted by any vindictive feeling toward the rebels. It does not spring from any want of a just or proper sympathy, nor any want of the deepest regret that our fellow citizens should have been so inflamed, or so ambitious, so misguided by their evil passions, or by the more evil words and actions of others, as to engage in this rebellion. There is no lack of this regret, I am sure, on the part of this House, or any of its members. But, the question presented to us, Mr. President, is simply a question of self-preservation; and it is on that ground, I apprehend, this Convention is called to act. We represent the interest of the State of Missouri—the loyal State of Missouri—and we are to see to it that those interests which the armed hand of rebellion has in vain assailed, shall not be paralyzed by the secret but no less deadly hand of treason in any other form.

The objections of the gentleman were arranged in a manner, which I may state as follows: First, the effect of the ordinance would be to deprive many men of the elective franchise who were not willing aiders and abettors of the rebellion—men who, by compulsion, or despairingly, as in the case of the friend of whom the gentleman spoke, took part in the rebellion.

Second, that those who were actively engaged in it will be by this act disgraced and driven out of the State, and that no man, who has already gone South, will ever come back again to Missouri. I confess that proposition did not alarm me in the least. I confess that when he declared that the effect of this ordinance will be to keep out of Missouri that class of men who have joined and are now fighting in the rebel army, it was not a disagreeable statement at all. But he contended that there are many of these men who have come back "sick and tired of this rebellion," and are willing to give it up—for reasons best known to themselves—and they would be disgraced and degraded lower than the common felon; for, said he, the Governor may pardon a felon, but it depends upon the Legislature to grant pardon in this case, and they may never exercise it in regard to these men.

Again, the matter was mentioned of a challenge at the polls. The gentleman intimated that a challenge at the polls and the decision of the judges was liable to disfranchise men who were really entitled to vote. And my friend said he himself, by false swearing, or an improper challenge, might be disfranchised. And finally he appealed to the conservatism of this body, that we should not now be driven into any ultraism.

Now, in regard to these objections, I have to say, first, that it seems to me not one of them touches the real point in this ordinance, or the real motive for adopting it. I am perfectly willing to admit at the outset—and it is only admitting the fallibility of all human judgment and instrumentalities—that no rule can be adopted or law passed, which may not involve men who, if their special merits were presented, we might be willing in those specific cases to save from the operations of the general rule. But at the same time I know no way in which these special cases can be saved, without destroying the more important general rule. We must act on the general probability and with a view to the general effect. If we choose to stultify ourselves by searching for and looking only at the "hard cases," and the exceptions, we lose sight of the true principle which ought to be invoked. I take it that these exceptional cases will exist. But it is still true that the general results to be accomplished will overbalance these individual cases, and, therefore, the argument of the gentleman falls to the ground. Now, in regard to that whole line of argument, I may say I have heard it frequently. Men have come back who were heretofore citizens, and represented themselves sincerely repentant. It may be true, I believe it to be true, that there are men in the State who took up arms against the Government honestly believing they were doing their duty. But were they not responsible for their belief? And however sincere they may be in their repentance, can we in justice say they are *innocent*, or that their offense must be overlooked, because they did not commit it under circumstances of as much provocation as others?

But further. Will any man undertake to say that a majority of those who have taken up arms and have given aid and comfort to this rebellion are sincerely repentant, and are now Union men? How many are there who, if they are now "loyal men," it is because they find it pays? How many whose repentance is like that of a man who is sincerely sorry because he went into an unprofitable speculation—yet would stand ready to do the same thing to-morrow with the assurance of success? Do you believe that these men have been convinced of the wickedness of their action, and of the fact that they were wrong; that they ought not to have taken up arms at all; that Jackson has done wrong; and that all the leaders of the rebellion have committed a crime, as well as an injury? Will gentlemen undertake to say that through all those disloyal counties where we now still hear of murders, robberies, and bushwhacking, these men are quiet and peaceable from principle and not merely because they must? I heard to-day that in the western part of this State half a dozen outrages had been committed within a week past that have not been reported in the papers at all; and yet the prime movers of these outrages are, most of them, living at home, satisfied that the fate of Missouri is sealed, as the phrase has it.

Now, Mr. President, I am ready to say I am not willing to trust one of these men at the August election, or to give them an opportunity to control the destinies of Missouri. They may come to me and show signs of repentance, but the fever fit is not gone, and it is contrary to the dictates of common sense to invite men who have come back here, and are yet hardly rested from their armed effort against the Government—to invite them to use against it the still more potent weapon of the ballot. Now, if there is a large enough class of these men, if you please, to hold the balance of power in this or that county, to put one man rather than another into office, then I say, on that ground alone, we would be committing suicide by permitting such a class to vote.

But the gentleman from Green, says the passage of this bill will drive out of the State a certain class of men, and that it will exasperate a certain other class. Now I may mention a simple fact in relation to this. We all know, that at the late spring elections in Missouri, an oath of loyalty prescribed by order of General Halleck was administered to every voter, and we know that it came at a time when the success of the Union arms was not so decided as it has since been, and that coming at such a time it was peculiarly repulsive. I speak from my own observation of its effect in St. Louis. At the elections held there many men refused to vote at all, because of this oath. It would seem that this oath ought to have illustrated the dangers so earnestly predicted. And yet this is the first intimation I have heard that the administering of such an oath would either drive out or exasperate men, or stir up civil war. Such an oath is a wise precaution, and it is a penalty which every man arrayed against his Government had every reason to expect and did expect. The fact is simply that those who could not take the oath did not vote, and there was the end of it.

In regard to the challenge at the polls, to which the gentleman alludes, I confess I cannot see the force of the argument. It is inconsistent. It has the effect of denouncing the whole system of challenging at the polls.

According to his idea, every man disqualified from voting in any manner whatever ought to have that fact ascertained by a jury; yet, at every election, voters are turned away by the judges upon challenge and proof before them. And it is perfectly just, since all their other qualifications are tested in this manner, that this disqualification, which, of all others, is most likely to be notorious, and which of all others, a man's neighbors, the judges of the election themselves, are likely to know of their own knowledge—that this should be submitted to the same test as the others. I do not think that, so far as this argument is concerned, further remark is needed.

The gentleman has a great regard for the conservatism of this body. There is a great power in the use of words, as this rebellion shows. If you choose to stand still because you are afraid to make an advance—if that is the definition of conservatism, it does not suit my principles. To use a homely illustration: A man upon the battle-field has his arm shattered by a bullet, and a consultation of surgeons is called. One, careless, or worse, advises to do nothing at all—"let it alone." Another, unwilling to inflame or exasperate, advises to apply gentle medicaments and lotions, to deal with it tenderly, but by no means to excite the unfortunate sufferer. While a third, seeing clearly the danger of the wound, and the greater danger of trifling with it, wisely and firmly declares, "your arm must be taken off, or you are a dead man in two hours!" Which is the conservative man then? Is he not the truly conservative man who is ready to inflict physical pain, anguish and mutilation of the human frame in order to save the man's life? That is the sort of conservatism I advocate. No man, it seems to me, can avoid the idea that we must apply such a remedy as this ordinance proposes. It is but doing that which, in ordinary and peaceable times, the process of the law is intended to do, and which only under extraordinary circumstances it fails to do. When Halleck and McClellan succeed in shattering the military power of the rebellion, then what have we done? We have got to where we started from—to where the majesty of the law may vindicate itself. When we get there, what still remains to be done? Is there not still the duty of providing for the future? What is this rebellion? It is a contest for political power, and however men may differ, as they do, as to this or that being the cause of the rebellion, we know that but for the failure of the leaders to retain power—but for their infamous use of it while they did retain it—but for their desperate efforts to prevent it from slipping from their clutch, in which they laid hold of the negro question as the most inflammatory and available means which they could use—but for these, and these alone, the rebellion would never have existed. How was the power so much desired to be maintained? By holding office. And how were these offices to be obtained and kept? By votes. And, as a matter of common sense, how will you strike at the root of this thing—in other words, how will you prevent disloyal men from holding office? I should be glad to believe that disloyal men would always vote for loyal men. I should be glad to believe that such men as my friend from Green, Gov. Gamble, and others, who have from the first opposed traitors, would be selected by those who have all this time been trying to destroy them, to fill the offices and administer the government of this State; but does my friend expect that magnanimity?

There are men in this State who can and will safely take the oath proposed for civil officers—men whose cowardice or superior shrewdness alone has kept them at home—men who have sympathized with and aided the rebellion, but so secretly that no man can prove it. Does not my friend know such men? Does he not know men who were active and noisy secessionists in the beginning of the movement, before a blow was struck—whose violent language, (not *then* treasonable, perhaps, because the armed resistance had not commenced,) deceived and maddened thousands into guilty acts, and yet who themselves have prudently shrunk from the storm they have raised, and though the worst of traitors at heart, may safely swear that they have committed no act of treason? Now, sir, when elections are held again, will these men be any less anxious for office—will they not seek it as eagerly, though no doubt more cunningly, than before? And will not my friend's amendment enable such men to be elected to office? For myself, I say plainly that this is a class of men whom I am both unwilling and afraid to trust. Suppose such men in office—what comes next? How long before, in the interest of disloyalty itself, they will agitate the repeal of all that is left of this ordinance? We can easily foresee their arguments and appeals—they will too much resemble those which we now hear for the first step. They, too, will invoke conservatism and sympathy, and the like. They will inveigh against the cruelty of so disgracing and branding men like common felons—men who, to be sure, have committed treason, and aided to bring us into all these calamities, but who are very sorry for it now. I need not follow the steps, *faciles descensus*, in this as in some other matters. But the result soon enough may be that the government of this State will be again in the hands of the very men, or their sympathizers and abettors, who have brought us into all these calamities, through their own unhallowed lust of power.

In conclusion, I warn gentlemen against striking out this provision, [that disfranchising rebel voters.] It is in its nature temporary. The Legislature has the power to modify it whenever they believe the best interests of the State require it to be done, and my own belief is that that body, under the pressure of just such appeals as are now made, will act in the matter as early or even earlier than will be entirely safe under the circumstances, and that they will modify this restriction. I warn gentlemen that thousands of these rebels throughout this State are yet living in the hope that, some day, there will be a triumph for them—that they still cling desperately, and with fell and rankling purposes, to the shadow of that hope which has thus far eluded their grasp. I say again, that unless we throw over entirely that class of men, we may as well make up our minds that, within two years from this day, this State may be—I do not say it *will* be, but we must look dangers in the face—in the hands of a class of men differing in no particular from those we have already sent from these halls. Sir, I hope, for the safety and welfare of this State, that this provision will not be stricken out. To my mind it involves no less a consequence than the danger, the great and obvious danger, of paralyzing the Union party, the danger of weakening if not destroying the confidence of our own friends in the vigor, the soundness and the courage of this body itself. The danger of undoing by our mistaken and uncalled for "clemency," all that has been won by the efforts, the hardships and the valor of the brave men who have fought and won the battles of the Union.

Mr. Woolfolk. I propose the ninth section of the bill as a substitute for the amendment of the gentleman from Green. I desire to give my reasons for offering that amendment.

Mr. Welch. I rise to a point of order. It occurs to me the substitute is not such an one as parliamentary proceedings allow. The gentleman from Green has made a motion to strike out. Now, sir, I do not understand the gentleman has any right to offer an amendment to the motion to strike out, in the shape of a substitute. The proposition before the Convention is a different one entirely, and I do not understand that the motion to strike out can be interfered with in the way of a substitute.

Mr. Woolfolk. I do not appreciate exactly the reason the gentleman has stated. I offer it as a substitute for the gentleman's amendment. I understand I have the right to offer a *substitute.*

Mr. Hall, of Buchanan. It is the rule of parliamentary law that you may always propose to perfect a proposition before the vote is taken.

The President. That is the rule.

Mr. Henderson. I would like to know, before the question is decided, in what connection the amendment offered by the gentleman from Livingston will come in?

Mr. Woolfolk. It comes in immediately *after the word "require," in the first section.* It is in effect adding the ninth section to the first section.

The President. The gentleman can amend the amendment, but he cannot amend the section.

Mr. Woolfolk. Very well. I will offer it as perfecting the section.

Mr. Brown. I understand the sections are to be voted upon in order, but it is here proposed to add the first and ninth together.

Mr. Woolfolk. I desire to add the ninth section to the first simply to perfect the section.

Mr. Breckinridge. What becomes of the motion of the gentleman from Green?

The President. That will be acted upon when this section is perfected.

Mr. Breckinridge. Do I understand the ninth section is now before the Convention?

Mr. Woolfolk. Not at all. The amendment of the gentleman from Green is before the house.

Mr. Welch. I rise to another question of order—whether any gentleman has the right, by calling his proposition perfecting a section, to offer it within parliamentary law? Does the Chair understand that it is parliamentary, after the Committee have reported this proposition and do not ask to perfect it, for an outsider to come in, and, under the plea of perfecting the section, offer a proposition which does not in reality do what it proposes to do?

The President. This Convention is now considering this ordinance as in committee of the whole, and the Chair holds that it is in order for any member to perfect any section before *the vote is taken on the adoption of that* section. Now the gentleman from Green proposes to strike out a part of the section, and the gentleman from Livingston desires that the section may be perfected (in his judgment) before the vote is taken; and I think he has the right to offer such a proposition. It will be for the Convention to judge whether the matter offered by the gentleman is a perfection of the section or otherwise.

Mr. Henderson. I desire to suggest to the Chair *that if the proposition of the gentleman* from Green were a substitute for the section, then it would be proper for the gentleman from Livingston to perfect this section before the taking of the vote; but it is not offered as a substitute, but as an amendment, and one amendment cannot be postponed by the other. I have no objection to seeing this perfected, as the gentleman from Livingston suggests. It seems to me that unless the proposition of the gentleman from Green is a substitute for the *whole section, which it is not, but simply an* amendment, then it will have to be first voted upon.

The President. If the gentleman does not desire to interfere with the amendment of the gentleman from Green, he can accomplish his object by offering his amendment after the first amendment is disposed of.

Mr. Woolfolk. I cannot vote intelligently nor satisfactorily to myself on the amendment of the gentleman from Green until the section *is properly perfected. I introduced this amendment* for the purpose of perfecting the original section. It seems to me these two sections ought not to be separated. The first section provides that every man who has taken up arms shall be prohibited from the right of suffrage, while the ninth section provides that every man may vote on taking a certain oath. Now, sir, I do not know how to get on with the first section until I know how the house will act on the ninth section. Upon the first question, as to whether every man should be excluded who has given aid or comfort, I am opposed to it. I am not, sir, in favor of excluding everybody. I believe there are good men who have gone into the Southern army who have been deceived. I believe there are good men who will come under the ninth section, who have been misled by false misrepresentations, or forced by duress, into the ranks of the Southern army. Such men ought to come under the ninth section, and be exempted from the general sweeping clause that all should be prohibited from voting who have gone with the Southern army. Before I act on the first section, I desire to know how the house will act on the ninth section.

The PRESIDENT. I will suggest this to the gentleman from Green, that if he will withdraw his amendment for a moment until we can dispose of this matter, he can then renew it after the vote is taken.

Mr. ORR. I cannot withdraw the amendment.

Mr. HENDERSON. I will remind the gentleman from Livingston that his vote at this time is not binding. Suppose the amendment of the gentleman from Green is adopted in committee of the whole? When it is reported to the Convention the gentleman can then vote understandingly. He can then change his vote on the amendment of the gentleman from Green if he desires.

Mr. WOOLFOLK. It seems to me the section is incomplete as it stands. It is an absolute prohibition. I am opposed to that.

The PRESIDENT. The Chair decides the proposition of the gentleman out of order.

Mr. McFERRAN. It strikes me the gentleman can attain his object by changing his motion so as to propose to amend after the word "ordinance," in the sixth line. It would then come in as an amendment to the amendment.

Mr. HENDERSON. The proposition then is this: The gentleman from Green moves to strike out certain words; the proposition of the gentleman from Daviess (Mr. McFerran) is to retain the words, and add something to them.

Mr. McFERRAN. I do not propose to retain the words but to add.

The PRESIDENT. The two amendments conflict with each other.

Mr. HENDERSON. The gentleman from Daviess moves to retain the words, and of course it would be inconsistent.

Mr. McFERRAN. I do not propose to retain the words, but to amend the portion proposed to be stricken out.

Mr. WELCH. In what condition will this section be if the amendment of the gentleman from Livingston (Mr. Woolfolk) is adopted, and this question comes up as an amendment to an amendment?

Mr. McFERRAN. There will be no trouble about it.

Mr. WELCH. A part will be stricken out and a part retained. The gentleman will find he cannot do it.

Mr. STEWART. I move the section be read and the amendment also, and then we will know what we are talking about.

The PRESIDENT. The proposition of the gentleman from Green is to strike out certain words. The proposition of the gentleman from Livingston, therefore, is incompatible as an amendment to the amendment, and, therefore, is out of order. The question is on agreeing to the amendment of the gentleman from Green.

Mr. HALL of Buchanan. I agree that we ought to do nothing in the Convention for the purpose of indulging malice or ill-will to any set of men. If the proposition before this Convention were a proposition simply to gratify any malice which we may have against those who brought upon us this terrible civil war, I admit that it would be an improper one. But it is equally our duty to do everything necessary to preserve the peace and loyalty of this State that can be done; it is our duty to hesitate at nothing that may be necessary to secure that important object. Now what have we already done in this direction? Because the late Governor of this State was disloyal and waged war against the United States, we deposed him, and deposed a multitude of other civil officers for the same reason. It is now our duty to see that the State Government continues loyal, or our war fails to accomplish the work we intended it to accomplish. We had better have done nothing; better have let Jackson remain in office, and let the military have control of the State, than stop short of anything less than permanent loyalty and peace. What is necessary in order keep Missouri loyal? It is necessary to see that the officers of Missouri are loyal: and it is a self-evident proposition that if the constituents are disloyal the representatives will be disloyal also. You might as well expect sweet waters to gush from bitter fountains, as to expect loyal representatives to come from disloyal voters. An oath of loyalty for the candidate amounts to nothing. There is not an officer engaged in this rebellion but who was bound by an oath of loyalty to the Government of the United States. We had all the oaths necessary and proper for securing loyalty in our officers, provided oaths could do this thing. In my opinion, whenever you say that a disloyal man may vote in this State, you will have disloyal men elected to office. If a county is composed of two thousand traitors and one hundred loyal men, and you permit the whole twenty-one hundred to vote, you will have disloyal representatives, I don't care what oaths you require. It is an unfortunate feature in this rebellion that its adherents have a different code of morals from ours. Their morality is that it is right to do any and everything that will injure the stability of our Government. That is their doctrine. It is right, according to their way of thinking, for them to waylay you and shoot you because you are true to your Government. It is right for them to swear falsely, provided they can injure the Government of the United States. And now, we are asked to trust the loyalty and peace of our State to the oaths that will be taken by men whose doctrine is that they are not bound by their oaths! I ask you, gentlemen, who know something of these secessionists, are you willing to trust your safety, and the safety of your State, to an oath to be taken by traitors? For one, I am willing to do no such thing. I am not willing to risk the safety of this State upon any such slender thread; I am not willing to risk the safety of my constituents to the oath of men who have violated their solemn oaths from the first day of the rebellion to the present hour.

Mr. President, only a few months since the spring elections were coming on, and the cry came up from every quarter that what this Convention had done would be utterly futile if traitors were permitted to vote. Perfectly satisfied of the justness of that position, I appealed to the commanding officer of this department to require every man who offered to vote to take an oath, such as is presented by this Convention for office-holders; and I am not aware that any loyal man ever objected to it, or that General Halleck was wrong in requiring all voters to swear. On the contrary, it was approved by all, as far as I know. And, as a result of this, we have had no banding together in great parties, and fighting till the last man was dead. On the contrary, from that day till now, the peace of Missouri has been more and more consolidated; and now, under the operation of that order which excludes secessionists, if secessionists are honest men, we have more peace than we have had for the last twelve months. If that order of General Halleck's was proper, and with the oath presented by Halleck, I want nothing more. I want nothing more than is just. I don't want to put any stigma upon any person; but I want to have loyal men control this Government; and I repeat that the only way you can have loyal representatives is to allow none but loyal men to vote.

It is said by gentlemen who oppose this proposition, that there is unnecessary severity in it—that there is that in it which is calculated to excite and stimulate secessionists to resistance and continuance in their course. Gentlemen, we have tried conciliation; we have tried the most tender remedies that could be suggested. Under this policy, we permitted the rebellion to take head and make progress, we permitted the United States arsenals to be seized, United States mints to be robbed, United States flags to be insulted, and all the time the rebellion became worse, and traitors became bolder and more violent. They never began to repent until they felt pressing upon them the stern power of this Government—not until after they were punished, and felt the force of such orders as that General Halleck issued last spring, then they began to respect the opinions of the people of this land.

Mr. President: I repeat that I do not desire to practice any unnecessary severity, but I do believe that it is the solemn duty of this Convention to coöperate with the military power in preserving the peace of the country. We have no right to shrink from responsibility, and leave all the work of restoring order and loyalty to General Halleck or General Schofield. Does any man believe the military will permit secessionists to vote? I don't think any Union man here has any such desire; and if we do not desire that they should vote, it is our duty to take the responsibility and say so. I don't care about this restriction lasting very long. I only want it to continue while the war continues. Whenever peace is restored, and our citizens return to their allegiance, I will be ready to advise its modification or abrogation altogether. I don't think there need be the slightest uneasiness that the Legislature will be severe on this point. Every one of us has relations in the rebellion, and all those kind sympathies which the gentleman from Green alluded to for the purpose of inducing us to strike out the clause to which he objects, will operate upon legislators to relieve our friends from this restriction the moment that it is safe to do so.

The Convention, at the conclusion of Mr. H.'s remarks, adjourned to 9 A. M., Friday.

FIFTH DAY.

Jefferson City,
Friday, June 6, 1862.

The Convention met at 9 o'clock.

Prayer by the Chaplain.

Mr. **Douglass**, from the Committee on Finance, reported a bill in relation to Assessors and Collectors, and to provide for the payment of certain accounts. Ordered to be printed.

Mr. **McFerran**, from the Committee on Elections, reported an ordinance to enable citizens of this State now in the military service to vote. Ordered to be printed.

EXPULSION OF DISLOYAL MEMBERS.

Mr. **Bridge**, from the Special Committee to whom was referred the resolution to vacate the seats of certain members, reported that the committee had had the same under consideration, and that from the evidence before them it appeared that Sterling Price, Robert W. Crawford, and V. B. Hill, are now, and have been for months past, committing acts of violence against the Government of the United States; that they have violated the oath they took as members of this Convention, and proved recreant to their State and their country; that it is known they are in arms against the Government of the United States, and giving aid to the rebellion; and that for these reasons they are unworthy to hold seats in this Convention and should be expelled. In regard to Uriel Wright the Committee have no evidence that he has taken up arms, but they have evidence that he has left the State and has given aid and comfort to the enemy by speeches and otherwise, and they recommend that he be expelled. In regard to John R. Chenault and Robert A. Hatcher, the Committee are not able to say that they have taken up arms, but the testimony before the Committee showed that they were not citizens of the State, having removed from it. The Committee, therefore, recommend that their seats be vacated. In the case of Nathaniel W. Watkins, the Committee find that he accepted the commission of Brigadier General and proceeded to act under it; but at a subsequent period threw it up and has for months past been absent from the State. They recommend that his seat be declared vacant. In regard to W. W. Turner, the Committee have evidence of the commission of criminal acts by him during the recess of this Convention, and that he is now a fugitive from the State. The Committee, therefore, recommend the following resolution:

Resolved, That Sterling Price, Robert W. Crawford, V. B. Hill, Uriel Wright and W. W. Turner be expelled from this Convention.

Resolved, That the seats of John R. Chenault, Robert A. Hatcher and N. W. Watkins in this Convention be declared vacant, and that the above eight names be struck from the roll of this Convention.

The above report received the unanimous consent of the Committee, except in the case of Mr. Chenault. Mr. Gravelly dissented from the report in favor of Mr. C.'s expulsion.

Mr. **Stewart**. There are several other names I would like to include in that report.

Mr. **Welch**. I believe the regular order is the unfinished business of yesterday, and that it has precedence over this matter.

The **President**. This is a privileged question and has precedence.

Mr. **Stewart**. At the first session I voted for Mr. Pomeroy against Mr. Watkins, for I knew he was a traitor, and there are several others I could mention who in all probability would do just as he has done, if they had the opportunity.

Mr. **Pipkin**. I move to strike out the name of Mr. Watkins for this reason: Very recently in attending Court, in our Circuit, I understood Mr. Watkins desired to return to the State, but owing to the difficulties in the southern part of Missouri, and especially in Arkansas, it was very difficult for him to get back. But from the assurances I have from his friends, I have every reason to believe that he would return to the State if he had an opportunity to do so. It is well known that he threw up his commission received from Jackson, and has never served in the Confederate service. He is an aged man, and has occupied a conspicuous position in Missouri heretofore, and unless the Committee have incontestible evidence that he will not return to the State, I shall insist upon my motion to strike out his name from the report.

Mr. Marmaduke. If in order, I move the report of the Committee be laid on the table.

Mr. Broadhead. I think we can just as well act on it now.

Mr. Henderson. I desire to ask if this motion prevail whether this report can be taken up at any time?

Mr. Marmaduke. Certainly, that is my object.

Mr. Henderson. I hope the Convention will consider the question now.

The motion to lay on the table was lost.

Mr. Broadhead. In justice to Mr. Watkins, I desire to state that he was indicted by the United States Grand Jury at its session last summer, for treason. He was never arrested, as he absented himself from the State of Missouri. He was subsequently pardoned by the President of the United States, but it never could have reached him. In fact, I know it has not, because it was sent to the United States District Attorney in St. Louis, and is at the present time on file in the United States Circuit Court. Whether he has ever received any information as to his having been pardoned, I am not aware. But I know this—that he has represented that he desired to return to Missouri and live here a peaceable citizen; that he had abandoned the Southern Confederacy, and the pardon was predicated upon that ground. I have been informed that he has never received any information which would justify his return. I make this statement in justice to him.

Mr. Pipkin. I would state further, that at the session of this body in July last, I was told by Mr. Hatcher, then a member of this body, that Mr. Watkins sent by him—if I am not mistaken—a request to the commanding officer of Cape Girardeau, to permit him to attend this Convention at its July session. He had then thrown up his commission received under Jackson, had retired from the army, and desired to attend the Convention at its July session. But the officer in command at Cape Girardeau returned him a reply that if he came within his lines he would arrest him. Mr. Watkins did not feel disposed to be placed under arrest, and so remained away from the Convention. Of the truth of this statement, made to me by Mr. Hatcher, I have no doubt, and I think, under the circumstances of the pardon, and the throwing up of his commission, it is imposing too great a penalty to expel him from this body, or declare his seat vacant.

Mr. Henderson. My impression is that the only proposition is to declare his seat vacant.

Mr. Hall of Buchanan. I think it is to expel him.

Mr. Henderson. So far as I am concerned, if the proposition were to expel Gen. Watkins, I would vote against it. I know something in regard to his pardon, and I am glad it was granted by the President of the United States. I was familiar with the circumstances at the time, and am glad the President took the action he did in regard to General Watkins. I think it was proper, and I think it is proper also that this Convention should declare his seat vacant. General Watkins is a gentleman whose familiarity with the laws of this country, with his duties as a member of this Convention, and as a citizen under the Government of the United States, ought to have prevented him from committing the offense with which he was charged. The Grand Jury found him guilty, and his friends did not make any question as to his positive acts of treason and disloyalty to the Government; and although I was perfectly willing to do all in my power to procure a pardon from the consequences of his offense, and to see him restored back again as far as we could, to his rights, yet I am not willing that he should occupy a seat in this Convention. I think the day has come, when, if the people of Missouri intend to preserve their peace, they ought to take these things into their own hands. I have no spirit of vengeance against these men. I have no desire to see them hung if it is not necessary for the public good, or stripped of their property; but here is a clear, admitted case of treason on the part of a member of this Convention, and I think it as little as this Convention can do to declare his seat vacant. I am unwilling to say he shall be expelled, but I am not willing, under the circumstances, to say he shall be entitled to a seat in this Convention, hereafter, if he sees fit to present himself. I think it as little as the friends of Gen. Watkins can ask of us to say that his seat shall be vacant. If the consequences of his crime were to be visited upon him he never could take his seat here,—it would close his earthly career; but that matter has been disposed of by Executive clemency. I repeat, I am unwilling to say he shall be continued as a member of this body. It is high time the people of Missouri should vindicate themselves against all association with treason, and where it is possible, to separate ourselves from it.

Mr. **Broadhead.** The gentleman mistakes if he supposes I made the statement I did, with the view of influencing members in favor of the motion now pending. I merely made the statement that justice might be done to Gen. Watkins, and that the Convention might understand his present status with reference to the Convention and the State of Missouri. I shall vote to declare his seat vacant.

The **President.** The question is on the motion of the gentleman from Iron (Mr. Pipkin.)

The yeas and nays were demanded. The vote was taken and the motion was lost.

Mr. **McCormack** (in explanation of his vote). While I have the highest respect and feelings of kindness for Gen. Watkins, who is my colleague, yet it is a painful duty for me to vote for his removal from this Convention. I feel it is a duty, and I shall vote no.

Mr. **Stewart** (in explanation of his vote). I suppose it is as painful a duty as ever I performed to vote no. I know Mr. Watkins well, and, as has been stated, he was a man of influence and ought to have stood up for the Government. But he has been instrumental in directing a great many men into this difficulty. He has been guilty of treason, a traitor to his country, and I therefore vote no.

The vote was announced.

Mr. **Gravelly.** The special Committee unanimously agreed upon this report with the exception of myself. I dissented from the resolution in regard to Judge Chenault, of Jasper county. I deem it due to myself, as well as to Judge Chenault, that I should state the reasons before this body that induced me to dissent from the report declaring his seat vacant. I am ready to declare vacant the seat of any member of this Convention, when satisfied that he has committed treason against the Government of the United States. If I were satisfied Judge Chenault had taken up arms against the Government of the United States, or had been guilty of any act, or committed any crime or deed by which he could be indicted for treason, then I would not object to striking his name from the roll or declaring his seat vacant But there was no evidence before the Committee that Judge Chenault belonged to the rebel army, or that he had committed any act against the Government of the United States that comes under the name of treason. And although I may have reason to believe that Judge Chenault is a sympathizer with the rebellion, yet in the absence of any evidence that my colleague has ever taken up arms against the Government of the United States, I was unwilling to vote to declare his seat vacant. It was in effect a vote to declare his seat vacant, because he is not here in his seat. He is not the only member of this Convention who has refused to attend its sessions, since the first session; there are many members in the State who are not present now, and have never attended since the first session. I am unwilling to declare his seat vacant unless I have evidence that he is guilty of treason and taken up arms against the Government of the United States. As regards the other names that were referred to the Committee, we had unmistakeable evidence, I think, that all of them had taken up arms against the Government of the United States, or removed from the State of Missouri. I have heard rumors that Judge Chenault is a citizen of Arkansas and has removed his family to Texas, and I have heard others say that he and his family are now at Carthage, in Jasper county, and, sir, in the absence of proof as to his whereabouts, I am unwilling to vote to declare his seat vacant. I have no evidence that he has absented himself from the State, and therefore I move to strike out his name.

The motion was lost.

Mr. **Doniphan.** I desire the Chairman of the Committee to state what evidence he has that Major Wright has had anything to do with the Southern Confederacy. That he has abandoned his seat in this Convention I have no doubt, but I do not like to vote to expel him. From what I have heard, I have no doubt that he has gone to the Southern Confederacy, but I do not like to expel him unless he has committed some overt act.

Mr. **Bridge.** The evidence before the Committee was a report (from the Army Argus, printed at Des Arcs, Ark.) of a speech delivered by Major Wright, in which he stated that he had left this State and joined them at a late day, and that the reason he had not joined them sooner was because he believed he could do them more service in the Convention than he could by being in their midst.

Mr. **Howell.** What will be the effect of agreeing to the report of the Committee ?

The **President**. Any gentleman is entitled to a division of the question. If the report is agreed to, then the question is on agreeing to the resolution.

Mr. **Dunn**. In the view of the case presented by Mr. Doniphan, I move that the name of Mr. Wright be transferred from the list of those to be expelled to the list of those whose seats will be declared vacant.

Mr. **Meyer**. I think it is a well known fact Mr. Wright left St. Louis with a number of recruits for Price's army. This was the current report in St. Louis. It is my understanding that he took with him some twenty or thirty individuals from our city and vicinity, and it does seem to me that he is doubly guilty. He constituted himself a recruiting officer and took these young men away from St. Louis, and this, in connection with the position he occupied in this Convention, and his acts afterward, it seems to me renders him doubly guilty of treason.

Mr. **Leeper**. There is one thing which I wish to state in regard to Uriel Wright. After he left St. Louis he passed near Ironton and Pilot Knob, and had about twenty-five men with him. I was stationed in the vicinity and as soon as I heard he was about, I started after him with a company of men and came near catching him. He announced to the citizens along the route that he was leaving Missouri to join the Southern Confederacy. He said he had brought twenty-five men with him from St. Louis and intended to join the Southern army. Under these circumstances I shall vote against transferring his name from the first to the second resolution, and in favor of expelling him from this body.

The motion of Mr. Howell was lost. The report was then agreed to, and the resolutions were adopted, one of the members voting in the negative.

PETITION FOR THE EXPULSION OF A MEMBER.

Mr. **Vanbuskirk** introduced the petition of 700 loyal voters of the Fourth Senatorial District, in favor of the expulsion of Prince L. Hudgens from the State Convention. The petition represents Mr. Hudgens as unworthy to represent the loyal citizens of the Fourth Senatorial District; that his traitorous and contemptible conduct furnished ample evidence of his unworthiness, and further, that he had not made his appearance in his District since last September.

QUALIFICATIONS OF VOTERS.

The **President**. The morning hour has expired and the unfinished business of yesterday will be taken up—the ordinance defining the qualification of voters. The ordinance will be considered as in Committee of the Whole.

Mr. **Welch**. I desire simply to make this remark—that there seems to be a disposition to regard the consideration of this ordinance as in Committee of the Whole, but when the proper time comes I shall call for the ayes and noes, and if the Chair decide them out of order, I shall take an appeal.

Mr. **Orr**. I had the floor yesterday evening at the hour of adjournment, but having learned there are several gentlemen who desire to address the Convention, I yield the floor to Mr. Woolfolk, who desires to make a speech.

Mr. **Woolfolk**. I desire to offer a few reasons why I shall vote for the amendment offered by the gentleman from Green. In the first place, it seems to me, this resolution as reported by the committee is too indefinite; in the second place, impracticable; and, in the third place, it is inexpedient for this body to adopt it. Now, sir, whom do we propose to exclude by this resolution? It is not limited to any particular class. It says those who have taken up arms shall be excluded; and, further, that no person who has, since the 1st day of August, 1861, adhered to, or given aid, assistance or encouragement to those engaged in carrying on the rebellion shall be qualified to vote at any election. Now, sir, I contend that is too indefinite; had it merely proposed to restrict those men who had taken up arms from voting, we would have then had a definite and specific class; but when you propose to exclude every man who may have given aid, assistance, or encouragement to the enemy, the question is, how many men does that embrace? Why, I believe, it will embrace two-thirds of the population of Missouri, and among that two-thirds many of our best and most loyal citizens might be included. What is giving aid and comfort? Lawyers themselves differ on the question. How are you going to determine who has given aid? A secessionist comes along from Price's army, and stops at a Union man's house. Now suppose that Union man should choose to keep him there during the night, and give him a supper and a breakfast, and start him again on his way. He may do this from motives of humanity, or from fear of personal violence; yet, would not his act be construed as giving aid and comfort? There is no limitation as to what amount of aid is to be given; it does not say what the aid will be; but it simply proposes to exclude every man who has given aid, assistance, or encouragement to the enemy. Why, if a secessionist were to call at a Union man's house, and ask for a cup of cold water and it should be given, it would be giving aid, assistance or encouragement. A secessionist may have gone to the Union army, and left his notes in the hands of a Union lawyer to collect; telling him to collect the notes, so that the money may not be forfeited. Suppose the lawyer chooses to collect, and turns the money over to the man's agent, and it is forwarded to him in the rebel army, is that giving aid, assistance, or encouragement? Now, I contend that is too indefinite; it leaves room for a great deal of doubt, and too much doubt. If this Convention proposes to exclude every body who has given aid, assistance, or encouragement, it seems to me the limitation should be specific, so that the people might know whom we intended to exclude and whom we intended to allow to vote. Again, sir: we know that during some portions of the trying period of this rebellion, men in the midst of secession localities have been compelled, to some extent, to give indirect encouragement to the rebellion. I think it is safe to say that every man who has not been a fugitive from certain localities in this State has been forced to give indirect assistance or encouragement to the rebellion. There has been a time when to advocate the Government in certain parts of this State, was dangerous in the extreme; there was a time when your Honor and myself were fugitives in St. Louis—while Price's army was thundering at the gates of Lexington; there was a time when a Union man could not express his sentiments. But these resolutions as reported propose to exclude every man from voting who has, since the 1st of August, 1861, given aid, assistance, or encouragement to the rebellion. You propose, if the record can be preserved of any idle words which a man may have used at any time, to exclude him from the rights of an American citizen. I contend, sir, it is too indefinite, and it would be improper to pass any such measure. I cannot vote to exclude men from the rights of citizenship who have, since the 1st day of August, given aid or assistance to those engaged in the rebellion. Why, this measure as reported, would hold a man responsible for private conversation. If any Union man, in conversation with one of his most intimate friends on the other side, should have let fall any words in the least derogatory to the Federal Government, or as to how the conflict would terminate,—if, in the confidence of social life, he should have let fall any words of this sort which could be proved against him, it might be some personal enemy would bring the charge against him for the purpose of excluding him from the polls. I say, let us exclude a particular class, or let everybody vote. I am opposed to putting this clause in, which means everything or nothing. Again, sir, it is impracticable. How does it propose to determine this question? It provides that "any judge of election who shall receive or record, or permit to be recorded, the vote of any person who shall not previously have complied with the provisions of the preceding 2d section, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by fine of not less than one hundred nor more than one thousand dollars, or by imprisonment for not exceeding two months, for each offense."

Now, sir, is not that impracticable? Your judges of elections are taken up from the streets, and, in nine cases out of ten, know nothing about law whatever, and yet this resolution as reported proposes to exclude everybody who has adhered, or given aid, assistance or encouragement to the rebellion. How is a judge of the election, in the excitement of an election, to sit and determine upon each case? Why, the question as to who may have given aid and comfort might occupy the time of the Circuit Court in our county for six months. Will gentlemen contend that in counties where five hundred men have gone to the armies of the Confederate States, that a judge of the election can determine all such cases on an election day, when it would occupy the Circuit Court six months in determining whether one man had given aid or comfort? Wherever there is a secession element in a county, it is an open question how far certain men in that county have given aid or comfort. We know our best lawyers have differed on the question as to what aid and comfort is, and our courts differ, and yet this resolution proposes to let the judge of an election—without any legal acumen, or argument made before him, or any evidence except that which may be gathered at the polls—determine the qualifications of a voter, as to whether he has given aid or encouragement. Now, I ask, is that a proper place to try a man? Is it right that a judge of election from the street corners should pass upon a question which might well occupy the ablest jurors of this country?

Mr. **Hitchcock.** With the permission of the gentleman, I would like to say that, if there is likely to be any misapprehension concerning this part of the ordinance, I have no doubt that every friend of the ordinance, as it stands, would consent to a modification looking to the removal of even the possibility of misconstruction.

Mr. **Woolfolk.** It is drawn up so loosely that I think it should be referred back to the committee. I am unwilling, sir, that a question of this magnitude should be left to the determination of a judge, on the day of election. I contend, therefore, that it is entirely inexpedient to undertake to do what is here proposed; it would result in excluding from the polls, as I think, at least two-thirds of our population, for I believe that two-thirds of the population of Missouri have, at some period during the rebellion, committed acts which might be construed as giving aid or assistance. They may have done it through idle talk, or a hundred other ways. We know that even politicians have not been entirely consistent on this question. It is too sweeping; and when we think of giving the judge of election the right to determine at the moment, when three hundred or four hundred voters are at the polls, as to their qualifications, it appears clear to my mind that it would be wholly inexpedient to entertain such a proposition. In the third place, I say it is impracticable. I think, as my friend from Green said yesterday, that it would result in conflict, and keep up this rebellion in the State of Missouri. A great many good men would refuse to go to the polls under such circumstances. They would feel that their political enemies might challenge their votes—that any street loafer might challenge him, and bring forward his whole political record and character, in order to let the judge of the election determine whether he had given aid or assistance to the rebellion. Now there are but few men who would be willing to submit thus to an insult, or who would be disposed to go to the polls, in the midst of an excited multitude, under circumstances of this sort. I do not believe the free people of Missouri would stand that thing. They might for a time, and let a few radicals ride over them rough-shod; but in a very little while the people of Missouri would rise up against it, and you would soon find that the polls of your State would be red with blood. Such a measure would sow the seeds of jealousy and discord, and result in disaster to the State. In this view of the case, therefore, I hope the measure will be defeated.

Mr. **Shanklin.** I wish to offer an amendment to the amendment; to strike out the whole of the first section.

The **Vice President.** The opinion of the Chair is that the amendment is not in order.

Mr. **Broadhead.** I do not rise, sir, for the purpose of speaking of the merits of this question, but I wish to make a few remarks concerning the argument of the gentleman who has just taken his seat. I am opposed to these words: "or who may have since that time adhered, or given aid, assistance, or encouragement to the rebellion." Now, I have a motion written out to strike out those words, as I consider they are indefinite, and for the further reason that I think they would disqualify all those who have given aid to those engaged in rebellion. According to a strict construction, it would affect any individual who had given aid or comfort to any person engaged in rebellion, not for the purpose of enabling him to carry on the rebellion, but for the purpose of enabling him to live—as an act of humanity. I merely read this for information, because I know it would not be in order now to offer it as an amendment. "Insert after the word 'arms,' in the first line, 'or levied war.'" The amendment offered by the gentleman from Green, affects the whole question. I hope the Convention will not strike out as proposed by the gentleman from Green, until the friends of the bill can amend the first part as I proposed. If they are then opposed to the first part, we can then bring up the question directly, as to whether those engaged in the rebellion shall hereafter exercise the right of suffrage, or whether we will limit such men as desire to hold office hereafter. Are we willing to give these men the right of suffrage, a right which they have forfeited by levying war against the Government, and which in effect has expatriated and deprived them of all political rights? If we are disposed to give them all these rights which they have forfeited, let us say so directly.

Mr. **Hall** of Buchanan. Does the Chair decide that the gentleman's amendment would not be in order?

The **Vice President.** He has not offered it.

Mr. **Broadhead.** I will offer it as an amendment.

The **Vice President.** The amendment goes back to the first line of the original section, which cannot be amended at this stage, and therefore it is out of order.

Mr. Hall of Buchanan. I beg leave to make a suggestion. I understand parliamentary rule to be that, when a proposition is made to strike out, it is always in order to move to perfect the portion moved to be stricken out, or to perfect any other portion of the section which will be affected by striking out, and this can be done before the motion to strike out is put. Now, the proposition of the gentleman from St. Louis, as I understand it, does affect the meaning of the words which the gentleman from Green proposes to strike out.

The Vice President. This question was decided by the Chair yesterday morning, and I think correctly.

Mr. Hall. It was decided, I think, six times yesterday, and every time a different way.

Mr. Broadhead. May I ask the gentleman from Green to withdraw his amendment until a vote can be taken, so as to let the question be brought up on its merits. The words "levied war" are well understood. They have a fugacious meaning, and are interpreted and understood by the courts all through the country. The words used in the section have not been adjudicated upon. The gentleman from Livingston (Mr. Woolfolk) does the committee injustice in supposing the judges of election are to determine this question. The report proposes no such thing, but that those engaged in levying war shall not be entitled to vote. The judge of election is required to administer the oath, and if the party forfeits that oath, then he can be brought before a judicial tribunal.

Mr. Stewart. Before the motion is withdrawn—

Mr. Orr. It will not be withdrawn.

Mr. Stewart. I want it read.

Mr. Howell. Is it in order now to move a substitute for the whole ordinance?

The Vice President. I think not at the present time.

Mr. Howell. It strikes me that the common sense of the thing is, that if my substitute should prevail there is no utility at all in perfecting that which would ultimately be superseded by the substitute.

The Vice President. When the amendment is disposed of, then it will be in order to offer a substitute.

Mr. Howell. Then I will withdraw it until this amendment is disposed of.

Mr. Orr. I do not wish to detain the Convention but a few minutes. I do not propose to strike out the first section entirely; I am willing to have that apply to candidates for office for all time to come. I merely propose to strike this out: "nor to vote at any election from and after the passage of this ordinance." With that stricken out, I am in favor of the first section. I propose to strike out so much of the second section as will make it conform to the first section, if my first amendment is agreed to. I am opposed to any substitute that will create two classes of voters in Missouri, and array them against each other—one class to swear that they have not been in the rebellion, or given aid and comfort to the enemy, and the other class to swear that they have been forced and deceived into the rebellion. I want every citizen to take the oath that I take. I do not want to vote with a class of men different from myself—a class of criminals. If we create these different classes here, as I stated yesterday, you and I will not keep our heads above the sod long enough to see the end of the evils that will result, and, so help me God, I will not hold office in Missouri six weeks from to-day—and I doubt not you can get along well enough without me.

There is an additional oath attached to the ninth section, which says, that any individual forced into the rebellion may take this oath—may go before the community and swear that he is a traitor. I do not understand the Constitution of my country to prescribe any such rule of conduct, and I do not understand that you have the right to make me swear that I am a traitor. I do not understand it to be the policy of this country, and I am opposed to it. The gentleman from St. Louis (Mr. Broadhead) does not seem to understand the position taken by the gentleman from Livingston (Mr. Woolfolk)—that the judges of election are to be the triers of treason. I do. I understand that if a man has been in rebellion—has waged war or levied war—he is a traitor; and when he comes to vote, an individual has the right to challenge him, and these judges of election then have the right to determine whether or not he has the right to vote. I go to the polls to vote, and Mr. Broadhead says I am guilty of levying war against the Government of the United States. He swears he saw me in Price's army, and the judges of election say I shall not vote. Have they not determined before the world that I am a traitor? Never will I permit a man picked up at the street corners to decide that I am guilty of treason. We have courts in Missouri whereby this offense can be tried. If I am convicted, I will never vote afterwards.

Mr. Hitchcock said that my objection to the judges of election deciding this matter went too deep—that it went so far as to deprive the judges of election from deciding upon any qualifications. Not at all. I expect the judges of election have the right to decide whether I live in the county or not, and to swear me as to whether I have voted in any other precinct; but I do not understand that the judges of election have a right to decide whether I have been guilty of treason. I have said as much as anybody in favor of United States Courts finding men guilty of treason, but don't let us try them on election day. I think the gentleman from Livingston has shown you the impracticability of attempting to ascertain who may have been guilty of treason, when it would require the Judges of Courts six months to investigate the matter. I will notice another little matter in this connection The gentleman from St. Louis (Mr. Hitchcock) yesterday said that I said, "Pass the ordinance—it will keep the secessionists out of the State." The gentleman misunderstood me. I do not object to their remaining out of the State—they can all have my consent to leave the State; but I said this—that they would go out of the State and they would never come back again, unless they came back to shoot, and destroy the peace of this country. I do not care whether they come back or not; but if they want to come back like prodigal sons, and lay down their arms, I say it is the policy of this country to let those who desire protection have it, and not to force them to fight to the death. The gentleman said I alluded to the abolitionists. I hope that no member of this Convention considered that I alluded to anybody here.

Mr. Hitchcock. That was merely an unintentional remark, which I hope the gentleman will not trouble himself with.

Mr. Orr. I will only play on it about a minute. I only said that there were abolitionists at the North and nullifiers at the South, and that I had as soon one would break up the Government as the other. But I do not think there is an abolitionist in this Convention. I look upon any man who desires to ruin our Government as a nullifier.

Then I wish to notice the remarks of the gentleman from Buchanan. He says that if the constituents are disloyal the representatives will be disloyal. That may be true. We have, however, managed our part of the country —notwithstanding we have been run over again and again—so that there is not a county to-day in Phelps' district that is not loyal, and that would not—as between Secession and the Union —vote in favor of the Union; and every solitary man in Price's army might come home and vote without restraint. I was astonished at one remark the gentleman made. That was this, that he recommended General Halleck to force the people of Missouri last spring to take a certain oath. I also understood him to say that he *would not* believe a *secessionist* on oath, because they perjured themselves. I understood him to say, in the next breath, that that oath had been conducive of much good to the people of Missouri.

Mr. Hall of Buchanan. I understood the position of certain gentlemen to be that they were not willing to apply the oath to voters, but to office holders. My remark was that it would be useless to confine it to the office holders.

Mr. Orr. I am glad to take it back. I understood you differently. I will illustrate the difference between the position of Governor Hall and that of Governor Orr, if I had had votes enough. I understand that the military shall be subordinate to the civil law. I understand it to be the duty of Governor Hall, while acting as Governor, to see the civil law enforced, and I understand it to be his duty to call the military authorities of Missouri to back him; but I do not understand it to be the duty of the Governor of Missouri to ask General Halleck to enforce something that is neither civil or military. He stated that he presumed there was no Union man in Missouri opposed to that. If he will look this way he will see one who is opposed to all such conduct as that. I want General Halleck to help enforce the civil law, but I do not want to see him go a solitary step ahead of that. I would look upon it as a species of mobocracy.

The Governor went a step further, and made this allusion. I hope he will take it back. He said: "Does any person believe that the military authorities in this State will suffer any *secessionists to vote?*" If I did *not believe it* I would not say another word.

Mr. Phillips. If General Halleck, as commander-in-chief, issued that order at the request of the Governor of the State, was he not acting in obedience to the civil authorities?

Mr. Orr. No, sir; he was acting in obedience to the civil authorities, but not in obedience to the civil law.

Mr. Phillips. Is not the gentleman aware of the fact that the State of Missouri was under martial law?

Mr. Orr. I am not. I understand there was a small streak through it that was under martial law. General Halleck had a right to close the door, but he had no right to say what kind of an oath the people should take. I do not understand that since Frémont left the State has been under martial law.

Mr. Stewart. I would like to ask the gentleman a question—if he don't think the United States is paramount to any State?

Mr. Orr. I think the United States is paramount to any State.

Mr. Stewart. Then what are you talking about?

Mr. Orr. I believe these are all of the remarks of the gentleman that I wish to notice. Now, I want all office holders to take the oath, and be clear of having heretofore given aid or comfort; and I want the voters to come forward and swear that they will not do it again, and that they will renounce all allegiance to the Jeff. Davis Government. If they take the oath of allegiance to support this Government, why, of course, they renounce all other Governments. And now, gentlemen, I shall not appeal to your justice or your sympathy. If you are prepared to vote for the resolution as introduced by the committee, why do so; but if you think it is sufficient to say that every man who shall lay down his arms shall be protected and live in peace, I should be proud to have you vote with me. I believe that is enough. I believe it will have the effect to take the wind out of their sails, and that so many individuals will desire to come home that it will weaken and discourage our enemies. But, sir, if you force them all out of your protection—if you say that all of these men who have given aid and comfort shall be deprived of their rights, you will force all those men in a body against you.

It has been urged that if my amendment is agreed to, the offices in the State of Missouri will go into the hands of the rebels. I have no fears of that at all. Not a solitary rebel will be elected to Congress, and not one will be elected to the next Legislature. There is no sensible man in Missouri that does not see, clear as the sun at noonday, that there is no earthly chance to take Missouri into the Southern Confederacy, even though every Southern State maintains itself; seeing that, no man, however much he may have desired such a result, will again use his efforts to stir up another civil war in this State in order that his friends may be killed.

Mr. Henderson. I have examined this proposition, and really, it seems to me, there is too much importance given to the provision proposed to be struck out by the gentleman from Green, and too much importance given to the whole ordinance. The gentleman seems to think it will open up something like a civil war in the State if we refuse to adopt his proposition. I cannot see from whence such an impression comes. I do not desire to be harsh upon those individuals who have been seduced from the path of duty, as far as their allegiance to the Government is concerned, and I would be glad to adopt some policy by which to restore the utmost good feeling between the loyal men and the disloyal men of this State. But what are the facts, particularly in reference to the district of country from which my friend hails? Do we not know that Missouri is again being invaded by the citizens of Arkansas and of our own State, heretofore driven out by our soldiers? The fact is, I would not be surprised to learn that at this moment an army is approaching the Missouri river from the south-west.

Now, here is a proposition to exclude a certain class of individuals from the polls, who have been actively engaged in the rebellion. It does not exclude anybody else. I could not vote to exclude a man from the polls who has given up all interest in the rebellion. If a man will yield obedience to the Government of the United States, and take an oath to remain a good and loyal citizen hereafter, I am perfectly willing that he shall vote. What is the proposition, sir, and what is the offense of which we are thinking? It is, as I understand it, the offence of treason against the United States, or treason, if you please, against the State of Missouri, if there be such a thing as treason against a State. Now, the proposition is, that those individuals who are desirous of overturning the Government of the United States shall be permitted to go to the polls and accomplish their purpose there. Now I object to that. We must not open the door for a class of men who will cease striking at the military power when they discover an opportunity to strike at the civil Government itself. Are you going to open the polls again and proclaim to disloyal men to come forward and vote? I *trust not.* But *if persons wish to renounce* their disloyalty and renew their allegiance to this Government, I am perfectly willing to permit them to come and exercise their rights, as they will have the opportunity to do under the provisions of this bill.

Mr. President, the gentleman from Greene supposes that the judges of election will have the trial at the polls in regard to the loyalty of the individuals presenting themselves. If that is so, I am against the ordinance. I do not want the investigation to take place before the judges of election; first, because they are not qualified to treat upon this question, and in the second place, it is not the tribunal heretofore provided by the State or National Government for the purpose of trying the question of treason or disloyalty. But is that the case? Why, the gentleman will find, upon examining the fourth section of the bill, that he is greatly mistaken. The first section provides that those persons who, since the 1st day of August, 1861, have taken up arms against the Government of the United States, or levied war—because that is the term, Mr. President, that I desire to see used in this bill, because, as said by the gentleman from St. Louis, (Mr. Broadhead,) it is the term to which a judicial construction has been given—shall not be permitted to vote. I do object to the phraseology of the section as it stands, and many of the remarks of the gentleman from Livingston are proper in reference to these words: "adhered to, given aid, assistance or encouragement," &c. Now, suppose a disloyal man goes to the polls and offers to vote. *The judges require him to take* an oath, in accordance with the first section, in order to ascertain whether he possesses the qualifications prescribed in the first section. If he refuses to take the oath, it is evidence that he has been in arms, or levied war, or given aid to the enemies of the Government. *Suppose he refuses to take the oath. Then,* as I understand it, the ninth section comes in to his relief, and permits him, if he is willing to be a loyal citizen hereafter, to take the oath and to vote. The gentleman from Greene has misunderstood, or is mistaken, in regard to this proposition. He says many men have been *unavoidably forced into the rebellion, and that* if a party has been forced into the rebellion against his wishes, or in order to save his own life, this bill will disfranchise him. Now, there is nothing to prevent men who have been forced into this rebellion, from coming forward and taking this oath prescribed in the ninth section, and *exercising the right of suffrage.*

What are we doing? Are we not endeavoring to sustain the Government? Have we not called upon the Government of the United States to send thousands of troops into the State for the purpose? *Then, sir, if an individual is* not willing to abjure his allegiance to the Confederate Government and give up his opposition to the Constitution of his country, he ought not to be entitled to vote. I do not want to exclude men unnecessarily from the polls, and this bill proposes nothing of the kind. The gentleman has alluded to the subject of the challenge, and says the judges of election have no right to exclude a man from the polls. Not by any means. If the gentleman offers to vote, the judges will ask him, in the first place: "Are you qualified?" If he says "I am not willing to take that oath in the first section," he cannot vote. If he says, "I have been engaged in the rebellion, but I desire now to renounce all allegiance to the Southern Confederacy," then the judges can administer the oath in the ninth section, and he can vote. If he refuses to take the oath in the ninth section, then the question comes up as in the case of all challenged voters in accordance with the forty-fourth section of the election act. Now, if a person presents himself and takes the oath, and a party challenges his vote and says, "this fellow is not entitled to vote," then he has made himself liable to the pains and penalties of perjury. He is entitled to vote, but the judges must put down his name and the name of the candidate *for whom he offers to vote.* The candidate may be elected to the Legislature. But suppose he may have had a large number of challenged votes? Then the opposing candidate may go before the Legislature and say, "I ask that my competitor may not be permitted to take his seat, and that I may be permitted to do so." Then the Legislature will determine on the qualifications of these challenged voters, and not the judges of election on the day of election. The action here proposed is not impracticable at all, and it will not involve the State in another civil war, as gentlemen have contended.

Again, when a person offers to vote, and you are satisfied he has given aid or assistance to the enemy, what is the duty of the judges of election? It is to take the name of the party and the name of the candidate for whom he offers to vote. The judges then go before the Judge of the Circuit Court and present the fact in regard to the qualifications of the voter, and the question is then tried exactly as you try any other question.

Mr. President, when I first looked over the ordinance I did not think I should vote for the ninth section. In my view of the subject, it is giving them as much as they can reasonably expect. When this rebellion is over—when I am satisfied it is over—I will be willing that every man who comes into the State of Missouri and conducts himself as a peaceable and loyal citizen, shall be entitled to vote; and I, as a member of a Legislative body, would vote to restore a man to all the rights of citizenship, when it became evident that he was sincere in his loyalty to the Government. But can gentlemen complain, who have been engaged for the last twelve months in levying war against the peace of this country, and who have brought all our troubles upon us, and who are to-day endangering the institutions of Missouri and every State in the Union—can they complain when we say, "inasmuch as you are levying war against us, and can more successfully do it by coming to the polls, we have, therefore, seen fit to place restrictions over you, with a view of preventing you from inflicting the terrors of the past upon us again? Can they object to such action on our part? I think, on the contrary, that they will consider it proper and right, and no more than they could reasonably expect. Sir, if I had been seduced into a position against my Government, I know I would be willing to take upon myself the penalty prescribed by the bill, and submit to it until the termination of the war. Are you willing to permit a man who comes in and offers to vote, but is not willing to take the oath that he has wilfully been in arms against the Government, to take the oath that he will be loyal to the Government in the future? There is nothing else in the ninth section. Do you suppose there is any man in Price's, Van Dorn's, or Beauregard's army, to-day, who will not say that he took up arms "under a supposed obligation of duty," according to the phraseology of this ninth section? If he did not take up arms "under a supposed obligation of duty," he is a very *demon*, and ought never to be permitted to exercise the rights of a citizen. But if he comes in and says, "I was seduced into this thing and was mistaken," or "I took up arms through fraudulent misrepresentations," then he will be allowed to vote under this ninth section. In fact, the language is sufficiently broad to cover almost every conceivable idea in which a man may have been seduced from fidelity to his Government.

Mr. Orr. Would you make a man come up and swear that he had been guilty of treason?

Mr. Henderson. It seems to me it is no great dishonor for a man to admit the fact when it is notorious. But I think the gentleman from Greene is mistaken. The oath in the ninth section does not require that a man shall swear he has committed treason. It simply nullifies the first part of the ordinance. It is a clear absolution of all past offences, without an acknowledgment on the part of the offender.

Mr. Calhoun. I would like to ask my colleague a question. I know many good men in my county—your constituents and mine—who are now under bonds of from $5,000 to $10,000 that they have never taken up arms, but simply sympathized with the South. Now, if these men come forward to the polls to vote, will you require them to take this oath or not?

Mr. Henderson. The ninth section will let them vote.

Mr. Calhoun. Do you require that additional oath?

Mr. Henderson. Which one?

Mr. Calhoun. The one prescribed in this ordinance for voters to take.

Mr. Henderson. I suppose so.

Mr. Calhoun. My neighbors have taken the oath half a dozen times already. Every new commander that comes along will prescribe a new oath.

Mr. Henderson. Well, I cannot vote without taking an oath, and the gentleman himself cannot; and if he wants to let these gentlemen who are under bonds ——

Mr. Calhoun. But they cannot be permitted to vote under the provisions of this bill. I might be expelled because I was compelled by men in Price's army to do what would be construed into aid and comfort. I was compelled to do this for my own safety.

Mr. Henderson. I think I have already answered that objection—that if a person who has given aid to the enemies of his country could show the fact that they came in sufficient numbers to force him to do what he did, then he will not be deprived from voting. The first part of the ordinance looks formidable indeed, but the ninth section comes in and knocks that away—destroys the whole thing—and says a man may be entitled to vote if he can show good cause. If he is willing to come up ——

Mr. **Calhoun**. Well, these men have gone up.

Mr. **Henderson**. Then they ought to take the oath, and act up to it. But I have said all I desire to say. I see the gentleman is becoming sensitive.

Mr. **Calhoun**. No, I am not.

Mr. **Henderson**. I wish to say that I am willing to vote for the ninth section, notwithstanding gentlemen think it will produce civil war. If a man cannot take the oath which is therein prescribed, he ought never to be permitted to vote.

Mr. **Smith**, of St. Louis. There is an inconsistency in this ordinance that will prevent me from voting for it. In the second section it says no person shall vote, at any election to be hereafter held in this State, who shall not take an oath that he has not, since the 1st day of August, 1861, taken up arms, or levied war, against the Government of the United States, or the Provisional Government of the State of Missouri. In this ninth section it says they may vote ——

The **Vice President**. The proposition before the Convention is the adoption of the amendment offered by the gentleman from Greene.

Mr. **Smith**. I am well aware of that; but I believe other gentlemen have travelled over the whole ordinance. My object is to propose that the Committee now rise and report to the Convention, after which I will move to re-commit the whole ordinance.

The **Vice President**. In the opinion of the Chair, the Convention is not in Committee of the Whole.

Mr. **McFerran**. I think so. There has been no motion to go into Committee of the Whole.

Mr. **Wilson**. Before the gentleman (Mr. McFerran) proceeds with his remarks, I would like to ask him a question. At one of the former sessions of this Convention a sort of amnesty act was passed, inviting the return of various persons from the army, and elsewhere, who had been guilty of offences against the Government, and insuring them protection for the future. I would ask the gentleman what provision he has made for that very numerous class which I have no doubt did return and take the oath in accordance with that amnesty resolution. Now, is it intended by this ordinance to exclude that very numerous class? From all that I can see upon the face of the ordinance that is the determination of the Committee, as indicated in the report. Now, it seems to me, Mr. President, that that would be an act of bad faith on the part of this Convention, to invite citizens to lay down their arms and cease their acts of rebellion, and promise them full immunity for the future, and then, at a subsequent session of the Convention, disfranchise these same people that we admitted as citizens. It does seem to me there is a very numerous class of people in this State who ought to be exempted from the operation of the provisions of this bill. I have understood that a great many persons, in various parts of the State, in conformity with the resolution passed by this body, did file their oaths of allegiance to the Government of the United States, and for aught I know, have abided by and fulfilled the obligations they took upon themselves, and ——

Mr. **Smith**, of St. Louis. I insist upon my point of order. My object is to let an ordinance be submitted that we can all agree to.

Mr. **Wilson**. According to the decision of the Chair, the motion to re-commit is in order.

Mr. **McFerran**. I hope the Convention will not re-commit this report at this time. The amendment offered by the gentleman from Greene brings up a vital question, and a question which must be determined before the Convention can make a report that will be intelligible, or will cover the whole ground in relation to this question. The great question now before the Convention is whether the Convention will pass an ordinance that will be retrospective in its action—whether they will exclude men from the elective franchise on account of their past acts. ——

Mr. **Moss**. I do not understand that the gentleman from St. Louis has made a motion to re-commit.

Mr. **Smith**. I intimated that if the Committee rose I would then make such a motion in Convention.

The **Vice President**. I will state to the gentleman from St. Louis that, in the opinion of the Chair, the Convention is not in Committee of the Whole, and that a motion to re-commit is in order.

Mr. **Smith**. If the Convention is not in Committee of the Whole, then I will make the motion to re-commit.

Mr. **Henderson**. Under a motion to re-commit, a party cannot discuss the merits of the bill, as I understand it.

Mr. **McFerran**. And that is just what I was going to talk about when I was interrupted. The position I assume, is this: that the

Convention must decide the question raised by the gentleman from Greene. If the ordinance is to be made retrospective as to voters and office holders, or prospective as to voters and retrospective as to office holders, then the question must be decided by this Convention, and nothing can be made by a re-committal until that question is decided. The question raised by the amendment is one of great magnitude and importance, and one that will require all the wisdom and intelligence of this Convention to decide. The Committee might decide one way, as they have reported, and the Convention might decide another way. Therefore, to facilitate the business of the Convention, I hope the ordinance will not be re-committed until the amendment of the gentleman from Greene is acted upon.

Mr. Doniphan. I desire to ask the Chairman of the Committee a question or two. The gentleman from Pike (Mr. Henderson) in his argument here, assumes that the method by which the loyalty of voters is to be ascertained is all contained in this second section, and I understand the gentleman from Greene proposes to strike out the first section as wholly unmeaning. I want to know what it is that is to be applied to voters other than what is in the second section.

The Vice President. The only question before the Convention is on re-committing the ordinance.

Mr. Doniphan. I ask this for information.

Mr. McFerran. I will answer the distinguished gentleman from Clay, that I only regard the amendment of the gentleman from Greene as important because of the fact that its determination will settle the principle by which this Convention is to be governed. As to the first section, I think it may as well be stricken out. I will state this, in justice to the Committee, that in preparing this ordinance we did it in great haste, because the Convention was waiting for it, and under the spur of the moment, as it were, this ordinance was agreed to. Since I have had time to reflect and consider, and scan it all through, I am satisfied that the first section may be stricken out entirely, and that the ordinance will not be changed at all. The amendment of the gentleman from Greene is of the first importance, because it involves the question whether acts retrospective shall be made to bear upon the right of the voter, or whether they shall be prospective only. I deem this enough to state on the motion to re-commit.

Mr. Howell. As another member of that Committee I concur with the Chairman, with whom I differed, so far as the ordinance is concerned, that its re-commitment would amount to nothing.

The motion to re-commit was lost.

Mr. Shanklin. I believe the whole of the first section is fraught with mischief, but at the same time I believe there is nothing really vital in it, or practical at all. Whatever the Committee thought practical in the first section is resolved by the second, and the first section, therefore, is simply a barren declaration, and contains nothing practical, and hence I moved to strike it out, when I was declared out of order. The pending motion is to strike out a part of that section, which I believe to be all wrong, and hence I shall vote for the motion to strike out.

Mr. Moss. I differ very widely from the gentleman from Pike in regard to the importance of the proposition now before the Convention. He intimated in the remarks he made a short time ago, that we were attaching too much importance to the question now before us.

Mr. Henderson. As to the amendment.

Mr. Moss. I am speaking in reference to that. That, in my opinion, is a vital question. It is one upon the proper determination of which depends more in the State of Missouri than, perhaps, any other question that will be submitted to this Convention. I take it for granted that we are all here for the same great purpose; that all we desire is to see this Government restored to its former supremacy. We want to see peace and harmony once more. The only things that divide us here are our different views or plans for accomplishing the same result. Some gentlemen think it makes little difference what plan we adopt to attain the end we desire; but, sir, upon the character of the plan settled upon here depends the success of the measure itself. I presume every man in this Convention desires to see the State of Missouri remain under the control of loyal men; and I presume that every man of common sense in the State of Missouri, who is not an outlaw at heart, now desires to see the State remain under the control of loyal men. Upon that point, then, we are agreed. The question is, how shall we attain that object in the most executive manner, and what measures shall we adopt in order to achieve the great end that will be attained with the least danger and difficulty? That is the proposition now before the house; and I presume it is the desire of every member of this Convention, as far as possible, to stand upon that plank. And in this connection, Mr. President, I shall be compelled, in my remarks in reference to this amendment, to discuss the merits of another matter in connection therewith, (and although it may not be strictly in order to do so, I hope I shall be indulged by the Convention, if I should be considered out of order,) and that is the ordinance offered by the gentleman from Monroe, (Mr. Howell).

Now, starting out with the proposition that we all desire the State of Missouri to remain under the control of loyal men,—I am for that, and I believe the best plan to reach that point successfully, and without convulsing the State—without creating excitement, and, perhaps, prejudice and warfare—is to have no election at all, except for members of Congress. The Committee, sir, who have reported upon the elective franchise, seem to have been impressed with the importance of the view I am now suggesting, as far as a part of the elections are concerned. They agreed, I believe unanimously, that it would be for the interest of the State of Missouri to have no election for Governor and State officers. Sir, I am at a loss to know what argument can be used in favor of that proposition that will not bear with equal force upon the other. I want to know, if the people of Missouri are in no condition to elect an Executive, are they in a condition to elect those who will make laws to be executed?

Mr. **McFerran**. With the permission of the gentleman, I desire to say that it was the majority of the Committee that reported the ordinance continuing in office the Governor, Lieutenant Governor, and Secretary of State.

Mr. **Moss**. Well, I have not seen any minority report. But to return to the point I was urging. I believe, as I remarked, that the object which we all desire is that the State shall remain under the control of loyal men, and this can be accomplished successfully—more so than by any other plan—by adopting the plan which has been submitted by Mr. Howell. I hear gentlemen argue in behalf of the proposition for having an election in this way. I think my friend from Buchanan, who addressed the Convention yesterday, urged, as an argument in favor of that view of the case, that it was advisable to get back as soon as possible to the old order of things; that we should as soon as possible return to the people, and give them an opportunity to exercise the power, which they already have, of choosing their own rulers, and taking their own affairs into their own hands.

I concur with the gentleman from Buchanan (Mr. Hall) in his view of the subject; and I would ask, Mr. President, if it is returning to the old order of things to say to the people of Missouri that you shall have an election, but that only a certain class of our citizens shall be permitted to vote? That is not the old order of things, Mr. President. We have never had such an order of things in Missouri as that, and I tell you it may be contended that this Convention, by continuing itself in existence, with the Provisional Government, will make itself odious to the people. But, Mr. President, it will not render itself half so odious by action of that sort as it will by taunting the people with the mockery of an election—to have such a miserable farce as would be enacted under the provisions of this bill. I tell you it is trifling with the people to attempt to palm such a thing as that upon the people as an election. Why, what is an election? It is the permission of the people to choose their own rulers and law-makers—not to a portion of the people, but to the whole people. Now, I want to be understood in this proposition. I am not in favor of having an election, with all the restrictions withdrawn from the people; but I am in favor of having no election at all, because I do not believe the people are in a condition to hold one. That is my view of the subject. I want the people to have an election whenever they can have it free and untrammeled; but until that state of case exists in the State of Missouri, we have no use for an election.

There may be objections urged to the proposition I am making, and I have mentioned some of them. This Convention may be charged with being in favor of perpetuating its own existence, and things of that sort. In times like these—in revolutionary times—when the people are mad, when reason has been dethroned, it will be impossible for a body like this to act without offending somebody, and without raising objections on the part of a large number of people. Every measure will have its objection, but the question is whether this plan is not liable to fewer objections than any other plan that has been submitted.

My opinion is that that action would meet with the approval of the people of Missouri—I mean the great majority of the people of Missouri. Although a great many were hostile to the Provisional Government when it was established, yet they have become reconciled to it, their passions have calmed down, and they have been pleased with the administration of affairs on the part of Gov. Gamble and the other gentlemen holding office in the State of Missouri. In short, they have become satisfied with the men selected by this Convention for the State offices, with the appointments made by the Governor, and with the men who have been sent to represent us in the national councils. They have come to believe that a large majority of this Convention are conservative patriots, and that they have at heart the interests of our common country, and every day the Provisional Government is gaining favor and strength, and the people are becoming well reconciled to it. But what do you propose here? You propose that a portion of the people of Missouri shall vote and that a portion shall not. Why, sir, the public mind is already sensitive—delicately so—upon the great questions now agitating the nation. While our hearts have been rejoiced at the successes of the Federal arms, while every patriot in the land has been filled with hope in the pleasing anticipation that one day our great Government would be restored upon its ancient foundations, and that peace and harmony would once more dwell among us, we have been startled by the intelligence that has flashed over the wires in regard to a certain movement that is being proposed in our National Legislature. We see a dark cloud above us from whose lurid bosom we are looking hourly to witness the thunderbolt start that will bring ruin and desolation to the land. The action of this Convention will not only have a telling effect upon the action in the national capitol, but it will have a telling effect upon the people of Missouri. Great movements are going on, and, as one of the members remarked to-day, it is useless to attempt to conceal great facts that are already known to the people of Missouri. Sir, there is a movement on foot at Washington City that is being urged by the radical Republicans, I should rather say Abolitionists, that may ruin everything that has been achieved by the Federal arms and the conservative men everywhere. I say it is useless to attempt to conceal from this body, or from the people of Missonri, that a movement is on foot at Washington, (and it has a branch in the State of Missouri) to declare the slaves of this State free. Now, sir, the action of this Convention may have a great effect upon this movement. The people are watching us with anxiety, and we must walk with care or by some misstep we may place the State under the control of the very men whose acts we now dread thus far more than we dread the Southern secessionists. Their power has been paralyzed and subdued; our arms have been successful, and the great military question, as I think, almost decided; and, sir, the greatest enemy now to the Government is to be found in your radical party in your National Legislature. There is no enemy that presents itself now over the broad country as the one that now holds power in the National Legislature.

Now, Mr. President, I want to show you, according to my view of the thing, the practical working of this question. It proposes to place restrictions that shall be retrospective, not only upon the candidate but upon the voter. What will the people of Missouri say? They will say you have tied our hands; you not only say that certain men shall hold office, but you undertake to say who shall vote for these men.

Mr. President, I am in favor of the amendment of the gentleman from Green, if we are to have an election. As I remarked before, I am not in favor of withdrawing all restrictions from the people of Missouri. The salvation of the State depends upon keeping loyal men in office, and I think the proposition of the gentleman from Green will accomplish that matter. The retrospective restriction, according to his amendment, merely applies to the candidate and not to the voter. It proposes to make the voters take an oath as to what they will do in the future, but it does not go back. Now look at the practical working of this thing: I recollect last evening that Mr. Hall made this remark—that he had no confidence in the successof our efforts, with the restrictions applying merely to the candidate—that if the people of a county were disloyal they would send disloyal men—or, in other words, that the candidate, for the purpose of getting into power, would cater to the prejudice of the secession element. There are two sides to this question, Mr. President. The objection might be urged on the other side against an ultra man running for office. If you do not permit all the people to vote, you give them no choice between a Union man and a loyal man. I am in favor of making the restrictions apply to the candidate, and of telling the voters they have a right to choose between a Union man and a loyal man. But the gentleman from Buchanan says it will not do—that if a good, loyal man runs for office, some one of the candidates will commence electioneering with the secessionists and pandering to their prejudices in order to get into office. That may be an objection. But, on the other hand, suppose one of these radical gentlemen is running. I want the people to have the privilege of choosing between him and a conservative Union man, and I want *all* the people to have that privilege. If a man presents himself as a candidate in the State of Missouri whose policy is fatal and destructive to the interests of our State, and to the Union, and the great cause we are all engaged in, I want to have the privilege of choosing between him and a conservative man. These men all claim to be loyal. These radicals whose plans, in my humble judgment, would lead to the destruction and ruin of the country, all claim to be *loyal*. They are loyal men and for the Union, they say. But, sir, this is a mere declaration, while they are favoring a policy so destructive to us; and if we have an election, therefore, I want the restrictions to apply to the candidate alone. I want the people to have the privilege of selecting between loyal men and Union men, in order that we may continue the State under the control of conservative Union men. I say, if we are to have an election, which I am opposed to, I am in favor of the proposition of the gentleman from Green.

My friend from Pike undertook to answer the objections made by the gentleman from Livingston and others, and I do not think he did so successfully. The idea, sir, of undertaking (I am speaking of the practical workings of this thing) to determine this question when 2,000 or 3,000 voters present themselves at the polls in one day! In St. Louis, I suppose, 1,200 voters would present themselves in one precinct at the same place of voting. Is it even possible to pass upon their qualifications in one day?

Mr. Broadhead. It was done last Spring in St. Louis.

Mr. Moss. Well, you are a very fast people, in the midst of telegraphs and railroads.

Mr. Broadhead. The oath prescribed by Gen. Halleck was administered without any trouble.

Mr. Moss. It is a very different thing administering an oath to a man and having a trial to determine whether or not he has ever aided or encouraged rebellion. If the oath was the only thing to be administered it would be different. The gentleman from Pike undertakes to say there is no harm in the first section provided the 9th section is adopted. Now, I wish to draw the attention of the gentleman from Pike to the language of the 9th section, and then to the language of the 1st section. The 9th refers to no human being except some man who has been levying war. Well, it would be well if gentlemen would keep in view what levying war means. It is only those who have been actually levying war against the United States who can get any relief under the 9th section, and are they the only individuals included in the 1st section? Let us see. The 1st section disfranchises every man who has given aid or encouragement, or levied war.

Mr. Hitchcock. What is the gentleman's definition of levying war—as a lawyer?

Mr. Moss. I will let the gentleman give his own definition.

Mr. Hitchcock. What does the gentleman understand by it?

Mr. Moss. That he may encourage by words, for instance. But they are not relieved under the 9th section. The 9th section relieves only such as have been levying war, but the 1st section includes everybody.

Mr. Henderson. With the permission of the gentleman I would like to correct him, inasmuch as he has attempted to answer my argument. I will state to the gentleman, distinctly, that I object to the words in the first section, and that I was in favor of the proposition of the gentleman from St. Louis (Mr. Broadhead.) I object to the words used in the first section of the ordinance and would make them correspond with those in the 9th section.

Mr. Moss. Well, let us get rid of it entirely.

Mr. Henderson. That would leave no qualifications for the voter at all.

Mr. Moss. If my friend from Pike desires to have his views carried out in accordance with the interpretation he gave of the 9th section, then there is no reason in the world why we should retain the 1st section. The 2d section prescribes what oath the voters shall take, and my friend from Green says he does not object to that, and neither do I. I will again state my position. I am opposed to having an election, except for members of Congress, and I am in favor of putting them off as long as possible. But, if we have any election, I want the amendment of the gentleman from Green adopted. I do not want any man in power in Missouri who has heretofore been mixed up with the rebellion; but when you come to the voters, I am for leaving them free, except as to what they will do in the future. In other words, I want every candidate in the field to be a loyal man and a Union man. If we are to have an election, I want it in that shape. I am opposed, however, to any election until it can be untrammeled. I want to get back to the old order of things as soon as practicable, but I want no election that will be a mockery and a farce. But, then, the form in which this report is put is objectionable—that the people are capable of electing a Legislature, but that they are not fit to elect a Governor. Why, it is a curious argument to say that the people shall declare who shall make their laws, but shall not say who shall execute them. I want to keep in the Governor and the Secretary of State as long as we can. I am for keeping the Provisional Government in power. It is gaining strength and confidence every day, and the people are willing to remain under it——

Mr. **Welch**. If the gentleman will give way, I will move to adjourn.

The Convention then adjourned to 2 P. M.

AFTERNOON SESSION.

Mr. **McClurg** presented a petition from citizens of Callaway county, praying the passage of an ordinance to prevent disloyal men from voting. Referred to Committee on Elections.

Mr. **Hudgens** moved that a committee be appointed to investigate the charges preferred against him in the petition of certain citizens of the district represented by him in the Convention. Adopted; and the President appointed the following gentlemen said committee:

Messrs. Irwin, Hendrick, Moss, McDowell, and Shanklin.

QUALIFICATIONS OF VOTERS.

The Chair announced the question before the Convention was on the adoption of the amendment of Mr. Orr to the ordinance reported by the Committee on Elections and Elective Franchises.

Mr. **Broadhead**. As the Chairman of this Committee has said the test question will come up on the proposition of the gentleman from Greene to strike out that portion of the first section which restricts voters—the effect of which will be to impose no qualifications upon those who have been in arms against the Government—I desire to make a few remarks upon that proposition. Say what you please about it, the effect of the original proposition as it now stands, if adopted will be merely to disqualify those who would, if brought before a court of justice, be convicted of treason. The latter part of the proposition I would be willing to strike out, so as to make it apply only to those who have taken up arms, or levied war, against the Government of the United States. But if we strike out that portion of the section as proposed by the gentleman from Green, the effect will be to allow all the men engaged in rebellion to exercise the elective franchise. Now, the measure as presented simply proposes to fix the qualifications of voters. The people of the State, represented in this Convention, have the right at any time to change their naturalization laws, and to change the qualifications of voters. They have the right to say that, instead of two years or twelve months' residence here, a naturalized citizen shall reside here twelve years or fifteen years before he shall be entitled to vote. The Convention has the power to make this change, and to change the present qualifications of voters. This is all, I take it, that this ordinance proposes to do—simply to fix the qualifications of voters. It applies to a class of men who have thrown off their allegiance to the Government, who have taken up arms with the determination of overturning its institutions, and who have no respect for the Provisional Government of Missouri, or the Government of the United States, because they set out to overturn and destroy the one, and since the establishment of the other they have shown no respect for it. Many of these men have returned; a portion have become tired and sick of the movement; and the gentlemen who have argued against this proposition, as expressed in the first section, seem disposed to treat it as a small matter; they seem disposed to say: "Although you have taken up arms and initiated the most infamous rebellion which the pages of history have recorded; although you have sought to tear down a Government which never harmed you; although you have desolated a smiling land with civil war; yet, as soon as you become tired of its operations and find you cannot succeed, if you come back we will receive you with open arms, and you shall be entitled to all the rights which we have maintained, but which you, by the red hand of revolution, have endeavored to take away from us." Sir, strange reasons have been offered why we should not adopt the proposition as reported to this Convention. The gentleman from Greene tells us that it will create disturbances among the people. The gentleman from Clay (Mr.

Moss) tells us they are sensitive upon the subject. He is afraid to disturb the sensitive nerves of gentlemen who have been in rebellion; he is afraid they won't like it. Another reason offered by the gentleman from Greene is, that, if we adopt it, the State of Missouri will be deprived of his valuable services as Register of Lands, for he has determined not to hold the office after its adoption. Well, now, if the people of the State can stand that, and I think they can—if they can find a man within the limits of this broad State that can certify lands and keep a record of the delinquent tax list—if they can find any other man to do that business as well as the gentleman from Greene, then, I take it, there is no reason in that argument why we should not adopt the proposition, otherwise we should not adopt it. But I rise particularly to reply to some of the remarks of the gentleman from Clay. He tells us—and that seems to be the key to his whole position, otherwise I could not understand it—that there is a cloud rising in the east, a dark cloud, from whose lurid bosom the lightnings are beginning to flash. He tells us there is a party in Missouri allied to this terrible party of which he speaks of at Washington, which I suppose he alluded to in his figure of the cloud and the lightnings beginning to flash. He speaks of the leaders who are more to be dreaded than the secessionists in the South, and says that when the vote is taken, he wants to give the people the right to choose between the ultras and the conservative men. Why, sir, the loyal voters have that right now. Of course, then, he means to say the disloyal voters—the secessionists, in other words. He wants to bring them from Price's army into Missouri for the purpose of voting down these men. There may be such ultras; I have no doubt of it, but I want the gentleman to understand that I do not sympathize with their movements. They would vote as soon for the gentleman from Clay as for me. I have not acted with them and I do not expect to. I speak now of the ultras; I speak of those who are in favor—because the gentleman's allusion cannot be misunderstood—of *immediate* emancipation in the State. But, sir, if he means to say that we are to invite the secessionists of Price's army back to the State of Missouri for the purpose of voting down these men whose loyalty has never been questioned, it may be the friends at Washington of these men of whom he speaks—and who, now let me tell the gentleman, control the Government of this country—will see to it that their friends in Missouri are not trampled in the dust; and they will see to it that you do not invite the traitors of the South to vote down those with whom they have acted and with whom they sympathize. Sir, they have the *power*.

Mr. President, it seems in bad taste for a member of this Convention, who is true to the Union, to be undertaking to traduce the character of these men, without whose aid he could not have remained in Missouri, nor you nor I. Who gives power, life and vigor to the Provisional Government of Missouri, if it is not the Administration at Washington? How would the 10,000 troops that now protect the firesides of the people of this State be maintained, if it was not for the money appropriated from the National Treasury by the votes of these very men? Sir, the Governor, in his message, is magnanimous enough to admit that it was by the assistance of these men that he has been able to maintain the Government of the State of Missouri. And now, permission has been given by the Government at Washington to let us have our own citizens for our own protection, while the troops of the northwestern States—the friends of those whom the gentleman so bitterly denounces—leave *their* homes and firesides, and go into the swamps of the south to protect the institutions under which we have flourished as a nation; and yet, these men are to be vilified, and we are to have the mendicants and traitors from Price's army invited here for the purpose of putting down the rights of the friends of these brave soldiers at the ballot-box. Sir, I tell the gentleman *it won't do*, and he will find, too late, perhaps, that it will not do. It is done for what purpose? For the purpose of propping up slavery in Missouri, an institution which secession has killed out, and which is now tottering on its last legs. But the gentleman from Clay comes forward to defend it, by saying he wants the traitors in Price's army to come here and help put down ultra men. I tell the gentleman that, by this conduct, he is nursing a flame which he will not be able to extinguish. Sir, the institutions of Missouri, to-day, owe everything they have to the General Government; without its aid and assistance, the Government of this State could accomplish nothing. And I tell you that as soon as you let these men know that you are determined to put down their friends by such means as these, they will see to it, and very soon, that the institution is crushed in Missouri. All they have to do is to take the 10,000 troops you have here in Missouri and institute a Military Government, and take the matter into their own hands, and then where will your institution be. Take up arms, if you choose, against the Federal Government—they have forces in the field to meet you, and if you propose to provoke that issue, they will say, "Let it come." They are held back now, and now only, by the conservative men we have in Congress; and I am glad, when I say that, to speak particularly of the Senators and Representatives from the State of Missouri. Sir, I do not justify these ultras, but we must act according to the circumstances that surround us. I am not here to advocate their method, or to advocate the outrages committed on our borders by men who have worn the uniform of the Federal soldiery, and who have disgraced their uniform; but sir, it won't do for the gentleman from Clay to tell us that we are to invite these men into the State for the purpose of propping up an institution that is on its last legs, and for the purpose of propping up their friends—their sympathizers.

I was in hopes, truly in hopes, that we could have voted upon this proposition without bringing in any of these extraneous issues—that we could have voted on its merits—that we could have asked whether these men, who have taken up arms, these men who have disturbed the peace of the Union, and the lives and property of our citizens, ought now to be entitled to the elective franchise. I hoped this, and that Union men would not hesitate a moment in declaring that such men ought not to be permitted to vote. They do not expect it themselves; and when we refuse to adopt such a measure, they will only laugh, and think that we are afraid to pass such an ordinance. Sir, I am not afraid to do it, and I am not afraid to vote for it.

Mr. Moss. I am, sir, surprised at the remarks made by the gentleman from St. Louis. I do not think he does me justice. He represents me as dealing in wholesale abuse of the Government at Washington City. Nothing, sir, ould have been further from my purpose than to have entered into wholesale abuse of the Republican party. The gentleman himself, perhaps, thought he might come in for a share of my condemnation. Far from it. I respect and honor the conservative portion of the Republican party in our National Legislature—Browning of Illinois, Thomas of Massachusetts, and other noble patriots that belong to that party. They have come out and shown themselves patriots on a large scale. I make no warfare on such men. The salvation of the country is in their hands. We must look to them for aid, and I honor and reverence them. But the gentleman says he is not an ultra. If not, then he does not come in for any portion of my remarks. I am willing to work side by side with him, if he is conservative, no matter what he calls himself. But, he says, we have got to beware of these ultra men, who have us in their power. Mr. President, if they have us in their power we are gone. I hope they have not. I hope that the efforts of such gentlemen as Mr. Broadhead, in connection with the other conservative Republicans of Missouri and the United States, will come to the rescue and save us from the fate that awaits us if we are left in the hands of these radicals. If we are in their hands, I have no hope.

The gentleman says that we are now only permitted to live in security under our institutions, because these gentlemen are disposed to be indulgent towards us. I would like the gentleman to point me to a vote, in our National Legislature, by a radical, that has not been for our destruction. I would like to have him show me a radical standing side by side with Thomas and Browning. Sir, I tell you I have no favors to ask from the radicals. I tell you the enemies of this Government, no matter whether North or South, are dangerous to every thing like constitutional liberty, and our only hope of securing constitutional liberty is by the aid of the conservative men, North and South. Sir, I do not abuse anybody. But I speak my sentiments candidly when I say that I believe these men are as hostile to this Government as Jeff. Davis and his followers at the South. They make the same landing exactly. They fight under a different name, but the end of their efforts is the same—destruction to the Government and a separation. Why, sir, we see one of their leading men—Phillips—says he has been working nineteen years to get nineteen States out of the Union. Why, is there any worse treason than that in the heart of Jeff. Davis, or enunciated at the firesides of the South? My friend's appeals are in vain, if he expects any favor from these men. The gentleman says he does not belong to that party. I do not believe that he does. I believe he would stand by the conservative men of his own party.

The gentleman says I am proposing to turn loose here the soldiers of Price's army. No part of my remarks can be tortured into such a meaning. I told the gentleman from Pike that the ninth section gave relief to nobody. The gentleman from Pike argued that he intended to vote for the ninth section. I do not recollect whether the gentleman from St. Louis agreed with him or not.

Mr. **Broadhead**. I differ with him.

Mr. **Moss**. The gentleman from St. Louis, then, is not for the ninth section unadulterated. Now, I take it for granted that the ninth section does not suit him. I am not particularly anxious about those men in Price's army; but I want the men at home—the men who have sons in that army—to be protected in their rights. I will state a fact in this connection. The Union men of my county are aged men—from forty-five to sixty years. They are the staunchest sort of Union men; but out of two thousand two hundred voters there are scarcely two hundred men but have sons in Price's army. Why, you cannot sear the hearts of these men. They must sympathize with the rebels, although they do not sympathize with treason; but I find every man who sympathizes with the rebels is unsound. God, the Father of the universe, never had any sympathy with sin, but He had sympathy for the sinner, and gave His Son to the cross that He might open the way to take His people to His arms. Do you expect to be superior to God Almighty? I tell you the man who has lost all sympathy for erring man is an ultra of the worst sort—worse than the vilest secessionist that ever lived, or plotted treason against his Government. No, sir, I oppose this first section, and I am in favor of the amendment of the gentleman from Green; and I oppose it, not because it cuts out the men in Price's army, but because it cuts out my neighbors at home, who have sympathy for their sons who are in that army. They were Union men at the start, and if the Government had been composed of such men as I represent, it never would have been broken up at all. Sir, I am bound to stand by and defend the right of such men to go to the ballot-box, and have a voice in saying who shall make and administer our laws.

Mr. **Broadhead**. The gentleman misunderstood me, if he supposes I intended to apply this section to those who sympathize with the rebels. It is enough to apply it to those who have taken up arms against the Government. So far from not having sympathy with them, I have as kind sympathy for them—whether they have erred designedly or not—as any man in this State. I have just as near and dear relatives in the Southern army as any other man in Missouri. I love them none the less because they have rebelled against the Government, but I am not willing to put them in the highest seats of the synagogue, and give them an opportunity to control our affairs, when they have shown a disposition to destroy and overturn the Goverment.

Mr. **Hall** of Randolph. We are here to devise expedients to carry on the Government until such time as we can transfer it to its original channel. We are not here to devise a punishment for treason in revolutionary times. We are merely devising measures to carry on the Government until the excitement under which the country labors shall have passed away. I repeat, we are here devising expedients for carrying on the Government, and that we have been doing. So far as any question that has been discussed here is concerned, there is no difference in principle between us. There is no difference in principle, as I understand it, between the gentlemen from Green, from Clay, and from St. Louis. They are all for imposing restrictions. They all distrust the people. Not one of them is willing to trust the people of the State with the power of self-government at this time. The only question between them is how far it is safe to trust them. Not one of the gentlemen is willing to allow them the exercise of their rights as they existed before this rebellion. They all agree that we must adopt such expedients as are necessary to secure law and order. They not only agree that it is right to impose these restrictions, but that they must go to that point necessary to secure a loyal government in Missouri. Well, now, what is all the rest? It is a mere difference of opinion, based on the condition of affairs in different parts of the country. It may be, and I have suspected that it is so, that in some neighborhoods there is a state of feeling that would authorize one restriction, and in other neighborhoods a state of feeling that would require another restriction—that what is safe for one section will not be safe for another. Well, if there is a different state of things in different parts of the State, what is our true course? Why, it is to adopt that system which will be safe everywhere. We cannot adopt any other, in justice to the principles we have already advocated. We must adopt the system that will secure safety, for that is the purpose we have had in view, so far as our action is concerned, from the beginning. Gentlemen cannot be serious in contending we should not restrict these men in their suffrage, when we have raised money to go and shoot them down, and recognized the right to seize these men and subject them to the annoyances that rebels have been subjected by the Union party in power in this State.

Again: Gentlemen talk of this as a punishment. I say it is no punishment. Here we have a class of citizens in this State that say they owe no allegiance to this Government, and they have proved the sincerity of their assertions by taking up arms and showing their hostility to this Government, and their allegiance to a Government that is at war with ours. I repeat, they have proved the *sincerity* of their assertions that they owe no allegiance to this Government; and now, shall we give to the men who have made this declaration the power of controlling the Government? Such an absurdity never was sustained by any man in his senses. That individuals who are hostile to the Government should have control of it—should be given a more effectual means of subverting it—should be allowed, first, to take up arms and fight against it, and then should be placed securely in a position where they can exercise their hostility more effectually; why, sir, I say it is an absurdity. This is no punishment, sir. It is merely taking these men at their words. It is taking from them the power of doing what they said they would do, and what they have ventured their lives to do. It is withholding from them the means of doing what they have spent the last year, and nearly ruined the State in attempting to do. I want these men to come back. I do not want to restrict them, or deprive them of the right of citizenship. I should feel glad if I could, in justice, give them the right to vote now. But I have been acting upon the principle, and shall continue to act upon it while a member of this body, that I will be faithful to the trust confided to me, and to the oath I have taken, that whenever I see an act necessary for securing the peace and loyalty of the State, I will do it, be the consequences what they may to me individually. I hold that, when I took the trust of becoming a member of this body, I took the consequences incident to that trust, and I will discharge that responsibility. I may regret I am compelled to do it. I do regret it. I regret the necessity that has come upon us; but I ask every gentlemen in this body if he does not feel that he is bound to do what is necessary to give security to our State, and if any one measure is more effectual for that purpose than another, and does not go beyond the clear necessity of the case, it is clearly, in my opinion, our duty to adopt it. Now, sir, with regard to these restrictions of voters, that first section is immaterial, it seems to me, and I do not care whether the whole of it is stricken out.

Gentlemen have suggested three propositions. One of them is a restriction affecting all citizens, as reported by the committee; another is to confine the restrictions exclusively to the candidates, as suggested by the gentleman from Green; and the other is the recommendation reported by the gentleman from Monroe, (Mr. Howell,) which is to put off all elections and keep the Government in its present hands. Now, undoubtedly, the measure reported by the gentleman from Monroe is the most extreme. It says the people of the State cannot be trusted at all with the privilege of self-government at this time, with safety. If the proposition were true, I would acquiesce in it. And if this Convention does not throw around the voter such restrictions as I think right, I shall be driven to the support of that proposition. I have been away several months, and I am not so well informed as other members, but I understand the state of things in Missouri is such that we can keep up the forms of government at least. If we cannot, let us abandon the effort, and leave the power where it is until there is sufficient security for that purpose. I shall act, as at present advised, upon the impression that it is not necessary to resort to a measure so extreme as that recommended by the gentleman from Monroe. I think the people can exercise the right of suffrage so that it may be more safely entrusted to their hands than ours. We propose a test; but it seems to me no test can be imagined which is so palpably right and proper as to exclude those men who have taken arms in their hands, and after our repeated inducements for them to return, have still persisted in this rebellion. They cannot be safely trusted with power at this time.

Mr. Howell. As a member of the Committee on Elections and Elective Franchise, I desire to submit a few remarks upon the question now before the Convention, and, as gentlemen do not appear to have confined themselves very closely to the special issue before us, I shall attempt to make my remarks on the present occasion as practical as I am capable of making them. I occupied, Mr. President, in my election to this Convention, an independent position. I issued no handbills, but went before the people of my district and spoke to them my mind upon the questions which I apprehended would come before this body, freely and in order that I might be understood, and that I might understand the people whom I aspired to represent. My position before this body, if I know myself, has been independent. I have not tied myself to either of the radical wings, if there be such, of this Convention, but I have sometimes voted with the one and sometimes with the other, as I thought best for the preservation of the interests of my country and the State in the awful emergency in which it found itself. I told my people, when I was a candidate before them, that secession was a remedy for no evil—that no man had the sagacity to see what would result from it; and I told them further, that an ordinance of secession in Missouri would not result in the protection of slavery, but, on the contrary, would result in the utter ruin and desolation of the State; and, in reference to the correctness of that position, my mind has never undergone a change. Heretofore I have to a considerable extent, perhaps, been recorded as occupying a negative position in this Convention. I have done so because I have looked upon the contest sweeping through Missouri as one of military power, as one of force, and not of legislation. My position in this respect now, and that occupied by me heretofore, is well known and appreciated by my constituents. If an industrious and persistent effort among the people I have mixed with, to convince them of the folly of the course that has been inaugurated by the radical and secession portion of this State, and of the terrible results that would follow that course and be visited upon the State of Missouri, is any evidence, sir, of my loyalty as a citizen of the State of Missouri and of the United States, then, sir, that evidence exists in abundance; and if, on the other hand, sir, abuse and misrepresentation of my course, by the extreme and radical men of my district, is any evidence of the position I have assumed here, that evidence also exists in abundance. But this by the way. I desire to legislate to-day for the present condition of Missouri, and I desire to legislate in a practical, straightforward, and common-sense manner, in reference to its peculiar status and condition, without subserving any peculiar theories or any peculiar class of politicians, aspirants, or interests in the State. I take it then, Mr. President, that the political status of Missouri is to-day a fixed fact; and that it is settled beyond a doubt, I suppose no man can fail to admit who has watched with any care the progress of events. I say, then, that the political status and military status of Missouri, to-day, is a fixed fact. We are called upon then as a body, the only deliberative body representing the sovereignty of the poople of Missouri, to legislate on the condition of Missouri within the Union, and for our best interests. I say then, sir, that the status of Missouri is within the Union. This rebellion, as far as there was any dignity attached to it, has been crushed out of the State; but yet, sir, Missouri is not in a wealthy condition to-day. Missouri is not as Missouri was. Missouri is yet a sick patient and we are her physicians, sir, on the present occasion to prescribe for the present condition of our State. There are two remedies presented. One is presented by the majority of the Committee and the other by the minority of the Committee on Elections and Elective Franchise. I presented the minority report, with some promise from one of the other members of the Committee that he would probably—although he did not sign it at the time—finally support it in this body. One of these reports is to hold the elections at the times now prescribed by the Constitution—an election for members of the Legislature, and for ministerial and judicial officers, but deferring or proposing to continue the executive arm of the Government for the period for which the executive chosen was elected.

The minority report proposes to continue all the elections as prescribed by the election laws for the next two years. Now, Mr. President, I reported the minority report, and I appear here on the present occasion to urge some reasons in favor of that minority report, and in opposition to the election as proposed to be brought on by the majority report. It is proposed by the majority to hold an election at the time now fixed by the Constitution and the election laws of the State. Now, Mr. President, what does an election mean? I suppose that it means that the people, who are interest in the laws that are to be enacted and executed, are to have the free will of going to the polls and there making selections of those who are to make or enact their laws, and those who are to execute those laws. That, sir, is the way Americans, Republicans and Democratic Americans have always understood this thing. That is the way our people have always been accustomed to regard this thing, and that is the old time franchise that the people have grown up with and under. It is not contended by any gentleman in this house, I suppose, that in the present condition of Missouri this system can be carried out. No gentleman proposes it. No gentleman on the Committee on Elections, or in the house on the present occasion, believes that that policy of an election in that way is practicable in the present condition of the State. Then, sir, these are very revolutionary times, and exceptional in our history, and our legislation must be exceptional. We must adapt ourselves to the circumstances that are upon us and that surround us. The question is not whether Missouri is to go out of the Union or to be retained; that is a fixed fact. The question is not whether the rebellion is to be crushed in Missouri; for that is a fixed fact. But the question is, what is the most prudent course to be adopted by us in order to bring ourselves back to the desirable condition of things that existed before this rebellion? Is it, sir, to permit a portion of our inhabitants to go to the polls and fill the Legislature of the State, and other offices, to the exclusion of, perhaps, two-thirds of their fellow-citizens, who have always lived here and enjoyed all the privileges and rights belonging to an American citizen. I say, sir, that such an invidious distinction as the one here proposed, will at once ruin this whole community; it will fill the woodlands, the brush, and the ravines, with desperate men, who will say, that, being disfranchised, we are not required to bear our proportion of the burdens of this country—we are entitled to no benefits; and they will say, we have nothing here to live for. Here is slavery in its most abject and degraded form.

Mr. Henderson. I wish to ask the gentleman a question. He says two-thirds of the citizens of this State will be excluded by this proposition. I ask him if he has any idea that two-thirds of the citizens of this State have been engaged in levying war during the rebellion.

Mr. Howell. I do not intend to be mathematically correct. I suppose a large majority of the people of Missouri have embarked in this rebellion, or there would be no urgent reason for this disfranchisement. I take it, sir, the very argument in favor of this disfranchisement is, that more than a majority of the people of this State have been engaged ——

Mr. Henderson. I do not believe one-fourth or one-eighth of the people of the State have been engaged in levying war. A majority of individuals may have sympathized, but I do not believe even one-twentieth part of the people will fall under the provisions of this ordinance.

Mr. Howell. The gentleman has been absent and does not know the feelings of the people in the country as well as gentlemen who have lived in the country all the time, and gone through the fiery ordeal.

Mr. Henderson. I am a neighbor of yours, and ought to know something about the sentiments of the people.

Mr. Howell. Yes, sir; and the gentleman had to seek military protection from some of these men.

Mr. Henderson. The last time I remember seeing the gentleman in the country, he came over to Mexico and sought protection from a military camp over which I had command. [Laughter.]

Mr. Howell. Certainly, sir. Now, Mr. President, I repeat, the object is not to put down the rebellion now, but it is to quiet the country; to induce men who have been in the rebellion, by soothing means, to turn back to their former avocations, and to induce men who have been in the brush, intimidating good and loyal men in their vicinity, to come out of the brush and take the positions which they occupied before this rebellion, as good and respectable members of society. Now, what have we recently heard from the south-western portion of the State? We have heard that Price's army, in large fragments, has returned to south-western Missouri, and resolved themselves into guerrilla bands, and that they have recently defeated one of our regiments, killed a colonel, and taken a large number of prisoners. I know, in my region of country, small bands of the same class of men, although not as formidable, infest the woods, and they cannot be found or captured by the military authorities, especially since the leaves have come out. If this rash legislation is brought to bear upon these men, they will remain where they are and become doubly desperate and dangerous, and receive additions, until this whole country of ours will be filled with guerrilla bands and marauders. It is true they are not formidable enough to withstand the organized forces of the United States, but they are sufficient to intimidate neighborhoods and keep men away from their homes, whose presence is required there—to keep the whole country excited and convulsed, and to retard its march of prosperity, and generate social feuds and strifes, until the leaves have fallen at least. And, sir, if we miss another crop on account of this reign of terror and desolation, what will be the condition of Missouri at the end of another year? The question, sir, is more easily asked than answered, and therefore, sir, I ask the gentlemen of this Convention to contemplate what will be the effect of this invidious system of legislation that is proposed by the majority of the Committee, before they inaugurate it.

Now, the gentleman from Randolph, (Mr. Hall,) who is doing credit to his State in the councils of the nation, and, I am glad to say, has helped to check the radicalism of that body, has told us that the proposition which was introduced by the gentleman from Monroe (Mr. Howell) as the minority report of the Committee on Elections, is, perhaps, the most radical and extreme of the two propositions that have emanated from that committee. I do not desire to discuss that question, but I desire to compare the one with the other, and to ascertain whether the one is more radical than the other. The great object I have in view, and the object I apprehend this body has in view, is to restore quiet to the State, and to inaugurate peace; and the practical question is, which proposition is best calculated to consolidate that harmony and quiet and those fraternal relations so necessary for the welfare of the State? I think mine is, sir. Mine does not impair the hold that the loyal men now have upon the State. My proposition is to put this Government, from Governor down to Constable, into the hands of unquestioned loyal men, where, in the present condition of Missouri, I believe it properly belongs. Now, sir, this may be more radical than the other, because it is more efficacious for the purpose I have in view; but the question is whether it will excite the people—whether it will stir up the passions of the people of the State, as the other will.

I know, sir, that among the secessionists the Union party of the State was at one time odious; I know it was brought into disrepute by these men; but, sir, I think that the practical legislation of this Convention has produced, is producing, in the most radical districts of this State, a fundamental change in public opinion on that subject; and when I say that, I do not say it unadvisedly. I have taken pains to advise myself upon that question.

Now, sir, why is this project which I propose more acceptable than the other? It is not alone efficacious in securing the peace and quiet of the State, and in keeping the government of the State in loyal hands; but it runs no distinction among the tax payers and road workers of this country, or the men who bear the burdens of this State. Sir, this body was elected by *all* the people of the State, or at least by eighty thousand majority of the free and independent voters of the State. It is then (although the people may have, to some extent, changed their minds since the Convention was elected) the people's choice. It was elected by the people; it represents the people, and it is no great assumption of power or jurisdiction in this revolutionary and extraordinary times for this Convention, representing the great body of the people, to resort to extraordinary means. Sir, ordinary resolutions will not do in times that are not ordinary. This, sir, was one of the most formidable convulsions or revolutions the world has ever seen, and it cannot be expected that we will confine ourselves to red tape in our legislation. I believe, sir, that the loyal men of the State of Missouri, unless it be some gentlemen who desire office, would be satisfied with the ordinance as proposed by the mionrity of this Convention, and I believe it would be more soothing to the men who have been disloyal, and productive of better results than any other scheme which could be proposed. As I have remarked, it makes no distinction among the people of the State. This Convention was elected by the people, and if it undertakes to make distinctions among our citizens, or to restrict their rights, there will be no end to it. But, sir, there are other reasons which I desire to urge in this matter. I want to know what we want of a Legislature? It is proposed that we shall continue the Governor, Lieutenant Governor, and Secretary of State, in office, for the residue of the term for which Governor Jackson was elected. I say, then, in order to be consistent in our action, we should carry out the whole policy, and postpone all elections. I know of no necessity for a Legislature. If the next Legislature were to be similar in their action to most Legislatures heretofore, the most of their legislation would be devoted to declaring infants of age, laying out county and State roads, authorizing guardians to sell land, and so on, through the whole catalogue of special and odious legislation. Sir, this is a time when we should begin to economize. A Legislature would cost say $150,000, and what would its legislation be actually worth? I undertake to say, as far as its general legislation is concerned, it would not be worth $500 to the State. How much damage it would cause, I am not prepared to say.

But, sir, it is proposed to put this State, now, entirely in the hands of loyal men by making a most invidious distinction and discrimination between voters; and it is proposed that the Legislature shall have the power hereafter to reinstate the voters who would be disqualified by this ordinance in the elective franchise. Now, let us look at this as fair and candid men. I do not talk to the extreme men of either wing in this Convention, but I am talking to the conservative men. Suppose, under this sweeping and disqualifying ordinance that is proposed here, the Legislature is composed of what is called the radical anti-slavery elements of the State. That class of men are "*loyal*," and they will be permitted to vote, while, in my opinion, they are as dangerous to the peace of the country as the radical secessionists. Yet, sir, there is no proposition, except the one offered by my old friend on the right (Mr. Zimmerman) to disqualify them. They will, under this disqualifying ordinance that is proposed here, in all probability, with the aid of the military, get control of the State. They will get political control of the State, and under this kind of "hocus pocus" election, obtain a majority in the Legislature. That Legislature, this ordinance proposes, may reinstate men to the elective franchise, and may remove the restrictions to hold office. Sir, did you ever hear of a dominant party in power surrendering their power before accomplishing their purposes? Can we expect this party would reinstate the voters here until they had accomplished the pet purpose that is foreshadowed in the Democrat of yesterday?

Mr. Hall of Randolph. I ask the gentleman whether he thinks, by any restrictions in this ordinance, there is any possibility that this State, will elect an Emancipation Legislature?

Mr. Howell. I am not prepared to say.

Mr. Hall. Has the gentleman any doubt about it?

Mr. Howell. I have.

Mr. Hall. Well, I am surprised to hear the gentleman say he has a doubt.

Mr. Howell. I am prepared to give it as my opinion, sir, that in many counties in this State there will not be one hundred votes cast out of 1,800 or 2,000, in consequence of these restrictions, and when I say this, I do not say it on the "spur of the moment," or without due reflection or deliberation.

Mr. Hall. I ask the gentleman whether he thinks they will, in these counties, elect emancipation candidates, or whether any man would venture to run in those counties on the emancipation ticket.

Mr. Howell. Well, I don't know about that. I think in some of them they would. Now, sir, I am not trying to make a pretty speech. I got up to give my experience and my belief as to the practical effect of this thing, and I ask gentlemen from different parts of the State to compare their experiences and see if they do not arrive at conclusions similar to mine.

Mr. Broadhead. I desire to ask the gentleman one question. I ask him how long he supposes the institution of slavery can exist in Missouri if the Union men of Missouri are impressed with the idea that it can only be sustained by secession votes and treason? I say it cannot be sustained six months.

Mr. Howell. I have given my opinion on that subject. I believe that the secessionists of Missouri by this rebellion, which they got up, have done more damage to the institution of slavery than all the abolitionists in America could have done in fifty years. My opinion is that, practically, there is but little difference between the extreme anti-slavery party of the State and the secession party of the State. I believe that abolitionism is secession or rebellion, and that secession is practical abolition. That is my opinion, and I am going to be frank about it. I say, therefore, without detaining the Convention further at the present time, that I shall vote to strike out that part of the ordinance as proposed by the gentleman from Greene, and then, when in order, I shall offer the ordinance that I reported as the minority of the Committee on Elections, as a substitute for the whole ordinance that is before the Convention.

Mr. Leeper. Since I have been a member of this body I have remained silent, but upon this question I desire to make a few remarks. I represent, in connection with several of my colleagues, one of the largest districts, in point of territory, in the State, and I do not suppose many districts have contributed more into the State treasury than my district has. As I have during the existence of these troubles mixed all the time with the people of my section of country, I think upon this occasion I may be able to state some facts which may be of service so far as this question is concerned. In the first place, I wish to pay some attention to the remarks of other gentlemen upon this floor. My friend from Greene (Mr. Orr) informed us, yesterday, that we must be patient—that patience made great men. That may be true in some respects, but in some instances there is no philosophy in it. We have an instance of this in point. Why, the President of the United States, at the breaking out of this rebellion, exercised all the patience imaginable, and stood still until secession was rampant, and Missouri well nigh ruined. Now, when it comes to rebellion, patience will not do. The people of Missouri have been patient, and they have learned that patience will not do in the work of putting down the rebellion in this State. My *friend said, furthermore, that the restrictions* we intended to throw around the voters would keep the army of Price from returning to Missouri. Now, if your feelings are like mine, you would be proud to know that a proposition of this sort would keep that army from returning. They have seceded. They are practical secessionists. They have put their theory into *operation. They have left our State,* (not, however, until they were driven out at the point of the bayonet,) and have joined the Southern Confederacy; and now, I would be glad if we could adopt a proposition which would prevent them from ever coming back to Missouri to annoy us any more. Now, I think, if this restriction will prevent Price's army from ever returning to *Missouri, then this is* an argument that ought to be used in favor of its passage. But, we are told by my friend from Clay, that it will not do to restrict these men—that if we do it will only produce violence and bloodshed. Well, Mr President, I confess that assertion does not terrify me. When we were here in July last, and had under consideration the proposition to *depose Gov. Jackson*, what did the gentleman from Clay then tell us? He said: "Gentlemen, don't do that; if you do, you will injure our condition in the State of Missouri. You will exasperate the minds of these men. They are tender on this point, and consequently it will not do to tamper with them; if you do you will only bring down their malignity on our own heads."

Mr. Moss. The gentleman is mistaken about my advising to keep Jackson in office. I announced myself against him in the beginning of that speech, and that my views had never been altered in that respect; but that I believed that the proper and true position for us to occupy at that time was to leave it in the hands of the military. The military have worked out the problem. I wanted to leave it to the military, and I think I was right. I believe the military have accomplished their work and proved our salvation. It was not with a desire to keep Jackson in that I took that position, for I have been his bitter enemy. But I do not believe in mixing up the civil and military powers. *Now that we have got rid of the rebels,* I am for any civil government that may be set up.

Mr. Leeper. Well, Mr. President, in regard to this thing of stirring up and bringing down upon our heads the enmity of certain men, that thing is past. I did not come here for the purpose of pleasing the rebels or secessionists; *but I came here, at the outset, to do what I believed* was my duty, as a member of this body, to put down rebellion. I have never stopped to reflect for one moment whether it would be pleasant to this or that man, especially if he is an enemy to his country. I recollect very well, when this question was up last July, that gentlemen said it would not do to offend the rebels, *although I may be mistaken* in regard to my friend from Clay. But we are told here that if this action is taken it will stir up another hornet's nest, and it wont do. Now, I believe no such thing as this, and it certainly sounds strangely to hear it asserted. After we have done what we have—after deposing the State officers and members of this body for treasonable acts, can any man say that he would not wish them expelled if they would come back to Missouri and vote at our elections? I think there is no member of this body who would be willing to see these men vote at our elections. But there is another thing that surprises me somewhat. In the first section of this ordinance there is a clause that disfranchises certain individuals who have levied war from holding office, and I have not heard a single member of this Convention say one word against that branch of this question. But when you come down to the fact that certain men, guilty of the same crime, shall not be allowed to vote, why the hue and cry is raised that you are going to ruin the country. This is something I cannot understand. Now, I maintain this, that if am qualified to hold office and unworthy to hold it, I am not qualified to vote; and, therefore, when I vote to take restrictions from the voter, I shall vote, at the same time, to take it from the office holder. I cannot see why a man should not be allowed to hold office if he is allowed to vote. Now, if there is anything to be done at all, I wish it done effectually; and if we are to open the flood gates and let men who have been in arms against the Government—men who have brought the Government of the

the United States to the brink of ruin — who have done everything to destroy the institutions of their fathers—if we are to let this class of men vote, then I am for opening the flood gates and allowing all to vote. I consider it useless to attempt to put down this rebellion, and allow this thing to go on. I consider that those who have failed to stand up for our institutions shall stand aside for those who can.

Now, a word in regard to test oaths. I do not believe in them. I have, for some time, been military commander of a small post in South-east Missouri, where it has been my duty to swear men with these test oaths. I do not believe in it; and I have sworn but one man, I believe, during the time I have been in command. I saw so much of it, and so little regard paid to it, that I naturally disliked to see it done. I have known men take the oath, and before they got out of sight, say they paid no regard to it. Now, I say, when it comes to binding a man with test oaths, I have but little faith in it. I hold it to be about this way: that where a man comes home and is willing to do his duty, he need not be sworn. If he has a different purpose, I believe all the oaths in the world will not do any good. If the principle is not in the man, you cannot swear him to it. I believe the safety of our institutions requires that those who have taken up arms against the Government shall not be permitted to vote; and, therefore, I am opposed to striking out this amendment. Now, I have been among these men. I have many friends among them, and I know that as bad rebels as there are in the State of Missouri — men who have risen at the hour of midnight to notify me of personal danger, and who would do anything to keep me out of danger—would not turn upon their heels to save this Government. I have noticed them in all their avocations of life. If a report is circulated of a reverse to our arms, you will see them rejoice greatly. Yet, these men have taken the oath to support the Government of the United States since the rebellion broke out. When I see this, I am ready to believe that if this State should be overrun again these men would stand where they have always stood. Under these circumstances, I think it unsafe to allow these men to vote at our elections.

Again: I am not prepared to say that I will not support the ordinance of the gentleman from Monroe (Mr. Howell). I am not certain but, under the circumstances, it will be preferable to the other. If I go for the other, it will be on account of such a proposition as it now contains. If I cannot get things as I want them, then I will take the next best. This suits me, I think, with this exception: "or has since that time adhered to the rebellion." If that was stricken out of the first section, so as to read "no person who has, since the 1st day of August, 1861, taken up arms or levied war against the United States shall be allowed to hold office, or vote, at any election," it would suit me better.

I wish to allude to a remark made by my friend from Greene. He stated, honestly and sincerely I have no doubt, that in the Congressional District represented by Phelps there was not a county in it but what was loyal. I ask him if he has ever been to the counties of Howell and Oregon? Why, sir, if he were to go there to-day, he could not ride five miles without being assassinated. There are those two counties in which I know an election cannot be held.

Mr. Orr. I will state for the satisfaction of the gentleman, that I said if the Union men and secessionists were all at home. Are not all the Union men run out of those counties at this time?

Mr. Leeper. Most of the Union men of those counties are run out. Before that, they were about equal. Now, this is the condition of a large portion of South-east Missouri, and I very much doubt whether a fair election could be held there.

Mr. Welch. I move to adjourn until to-morrow morning at 9 o'clock.

Mr. McFerran. I hope that motion will not prevail.

Mr. Welch. I presume the object of discussing this proposition, which is an important one, is to elicit information; but the house is not in a condition to enjoy a discussion of that character, and I think it would be no more than right that the Convention should adjourn.

The motion to adjourn was lost.

Mr. Welch. As the Convention has voted down that motion, I now move to adjourn until half past 9 to-morrow morning.

The motion was lost.

Mr. Welch. I desire, Mr. President, to submit to the Convention a few remarks by way of giving my views upon the proposition before the Convention, but I do not desire to do so at so late an hour in the evening; but as it seems to be the desire of the Convention to continue in session, it becomes my duty to present my views to the Convention at this time.

The first section of this ordinance, if I un derstand it correctly, is an amendment to the Constitution of the State. Practically, it goes to that extent, and no further. By the Constitution of this State, the qualification of a voter is established. It is there declared that every citizen of the State, of a certain age, shall be entitled to vote at all elections in this State; and the first section of this ordinance is virtually an amendment of that instrument. It declares that a certain class of people who have been guilty of certain acts shall not be allowed to vote at any election precinct in this State, unless he brings himself within the exception contained in the ninth section of this ordinance. There is, however, a proviso in the first section, which declares that the General Assembly of the State shall have the power to repeal this ordinance, as far as one class of voters are concerned. There are three classes of voters, in this State, under this bill. There is, first, the man who has never taken up arms or given aid to the enemy. Second, the man who has taken up arms under a sense of duty; and, third, the man who has taken up arms and can make the special plea that he was fraudulently induced to do so. There is one class of men that are forever debarred from the right of suffrage in this State, unless the Legislature to be hereafter elected shall remove the restriction which this Convention is about to impose.

Now, sir, it is remarkable that the Convention, in the delegation of the power which they gave to the Legislature, only delegated to that body the power to remove the restriction from those who have taken up arms knowingly and wilfully. To that class of citizens of this State who have been misled into the rebellion, and to that class who have not taken up arms at all, the oath which this ordinance prescribes is perpetual and everlasting, and the Legislature is not given the power, under the ordinance, ever to remove that restriction upon the right of suffrage. I wonder that my friend from Daviess, (Mr. McFerran,) the Chairman of the Committee, should have confined the power of the Legislature to only one of the three classes of voters.

Mr. Hitchcock. I think the gentleman is under a misapprehension.

Mr. Welch. The section provides that no person who has, since the 1st day of August, 1861, taken up arms against the Government of the United States shall vote, unless he can bring himself under the ninth section. Then the Legislature is authorized to do what? "Provided, that the General Assembly of this State may, at any time, repeal or modify this ordinance, or any part thereof, with respect to such persons, and upon such terms, whether by general or special act, as in their judgment the best interests of the Commonwealth may require." Who are "the such persons" designated? Those who have taken up arms and can make the special plea contained in the ninth section of the ordinance. In regard to such persons, the Legislature is authorized to remove the restriction. In regard to all other persons, the Legislature is not entrusted with that power. I say when the Committee used that language in the first section of the ordinance they only confined that delegation of power to the Legislature to the removal of this restriction from but one class of voters, and that the most offensive class—those who have taken up arms knowingly and wilfully. Now, is there any provision in this ordinance authorizing the Legislature to interfere, at any time, and remove this oath prescribed in the second or subsequent section? By no means. But they are authorized to repeal or modify this ordinance, or any part thereof, with respect to such persons as are designated in this ordinance, and those persons are those who have wilfully gone into the rebellion.

Mr. McFerran. I desire to correct an error the gentleman has fallen into. It would seem from the discussion that this ordinance is difficult to understand. There may be too much military in it; but I desire to call the attention of the gentleman to the fact that the first section declares that those who have taken up arms shall not be permitted to vote or hold office, under the Constitution of this State; and that the Legislature may repeal or modify this provision when they see proper. This right of the Legislature extends to the whole ordinance, or any part thereof, and if the gentleman will reflect he will see that he has received a wrong impression. The right of the Legislature reaches to the whole ordinance.

Mr. Welch. With all respect to the judgment of the gentleman, I must differ with him in regard to the construction of the first section. He is under a mistake when he says the power of the Legislature is delegated to the whole ordinance. It is not delegated at all, only with respect to that part which has reference to the persons named in the first section of the ordinance. Has the attention of the Convention been called particularly to the oath that is required of every voter, loyal or disloyal, before he is allowed to vote? It is prescribed that the office-holder must take an *oath before he can enjoy the rights which we* have heretofore enjoyed, and that he shall take the oath prescribed by this ordinance. It is different from the oath usually prescribed to officers in this government. Heretofore, the voters of the land have not been required to take any oath; but those who have been entrusted with the administration of the government and with the execution of its powers, have been required, both by the Constitution of the United States and of this State, to take a certain oath, and that oath has, until recently, been considered as a sufficient guard to secure the rights of the people The office-holder has heretofore been sworn to support the Constitution of the United States; but there is another obligation which the people think it necessary in these hours of danger to include in that oath, and he is to be required to swear, in addition to a support of the Constitution of the United States, that he will support the *Government* of the United States. I would be pleased, Mr. President, if the gentleman from Daviess would let us know what additional meaning he intended by the introduction of these words. I would like to know the distinction which that gentleman draws between an oath to support the Constitution of the United States, and an oath to support the Government of the United States. I ask the gentleman from Daviess what is the Government of the United States? It must be a something in contra-distinction to the Constitution, or else the insertion of that provision is unnecessary and uncalled for. I say it must be something additional to a support of the Constitution of the United States, to that which has heretofore always been regarded as sufficient for those entrusted with power. Now, is it intended that we are to support the Government at Washington?

Mr. Broadhead. I rise to a point of order. It is unfair to go into a discussion over a proposition which is not before this body at this time. I wrote out an amendment, on yesterday, to strike out the word Government, and it is unfair for the gentleman to travel out of the record and argue on a proposition that has not yet come up for our consideration. I think as he does in reference to this matter.

Mr. Welch. I would not have gone into that line of argument, only it seems by general consent we took up the whole proposition. My friend from Daviess insisted that this amendment embraced the whole question; and I again refer to the proposition which I was about to discuss—what is meant in the oath which the *voter and officer* is required to take as a prerequisite to the enjoyment of their privileges and rights? What did this committee mean when they ordained that no man should be allowed to vote or hold office who would not swear to support the Government at Washington?

Mr. Hitchcock. I rise to another point of order. The friends of this bill are not tenacious about these words, and it is wholly useless to waste time on this point.

Mr. Welch. I do not know, sir, that I am authorized to take it for granted that, because the gentleman from St. Louis (Mr. Broadhead), is going to offer an amendment, that, therefore, it will be adopted. This provision in the ordinance met the approval of a majority of the committee, not excepting the gentleman from St. Louis, Mr. Hitchcock; for his objection, I believe, only went to the ninth section. It occurred to me, Mr. President, when I read the ordinance, that there was something lurking behind this oath of more importance than would attract the attention of the casual observer when glancing over its provisions. I was fearful, sir, that there was something there improper and uncalled for, and I believed that it was not necessary to require the freemen of this land to swear to support the Government. If I knew that these words would be stricken out, I would not consume the time of this Convention by discussion. I wish I knew whether they would or not. I will, however, say this much, that I will pass over what I intended to say on that branch of the question about the oath to support the Government at Washington, and await the amendment of the gentleman from St. Louis. The Government of the United States, if I may so express myself, is a trinity. It is composed, if I am not mistaken, of three separate and distinct branches—the Legislative, Executive, and Judicial. These three, I believe, constitute the Government, *par excellence.* What then, Mr. President, do I undertake to do when I swear to support that Government? Do I swear to support every act that the President may do of an executive character, constitutional or otherwise? Do I swear to support every act of Congress that may be passed, whether constitutional or otherwise? Do I swear to support every determination of the Judiciary, whether right or wrong? I hope, so far as that branch of the Government is concerned, that more of those who have been disposed to avoid the decisions of the Federal Judiciary will be sworn to support them. But I want to know from the chairman of the committee what he intended to swear me to support. I want to know if he intended to swear me to support every act of Mr. Lincoln, and every act of both branches of Congress, and every decision of the Supreme Court of the United States? If so, it will be the largest oath, perhaps, that ever was administered. I am of the opinion that it would be rather difficult, if the voter should be indicted for a violation of this ordinance, to convict him. Sir, if there is anything at all in the phraseology of that oath, if it means anything at all, it means nothing more nor less than that the citizens of Missouri shall be sworn to support the Federal Government, constitutional or otherwise.

Mr. **McFerran.** As the gentleman has asked me to state what I understand by this expression, I will do so. I understand that, if Congress pass an unconstitutional law, he is not bound, under the law, to obey it; for the reason that it is not government, but usurpation: and the same with regard to the other proposition—if the President commits unconstitutional acts not warranted by the Constitution—that would not be government, but usurpation.

Mr. **Welch.** The gentleman has given an answer, but not an answer by any means to the objection I made. He tells us an unconstitutional act is usurpation. So said the gentlemen from South Carolina, and they rebelled. He tells me I have the right under oath to nullify any act of Congress if it is unconstitutional. That is all the right the Secessionists have asked.

Mr. **McFerran.** In a constitutional way.

Mr. **Welch.** When the constituted authorities have passed an unconstitutional law, the gentleman says I must submit until they see fit to remove it—until Congress shall step in and repeal it—or the Supreme Court reverse it. I understand, then, that the proposition is to require every voter to take an oath to support, protect, and defend the Government, let that Government do as it may. Now, do you tell me that the application of an oath of that kind will tend to allay the excitement of the people of Missouri? Do you tell me that the people of Missouri, or anybody except a Lincoln man, can take that oath with that provision in it? Who then can vote under this ordinance except it be a Lincoln man, or, at least, a man who is willing to support the Government of the United States. No other class of citizens in this State can vote except those who are willing to support, protect and defend the Government at Washington. Now we are told, sir, that this test is to be applied to citizens. Why, sir, the question asked by the gentleman from Randolph (Mr. Hall) may well meet with the answer of the gentleman from Monroe (Mr. Howell). Do you suppose emancipationists will be elected? I say no man but an emancipationist can take a seat in this Hall if, in order to come here, he must take an oath to support the Government at Washington. What does the Government at Washington say? We would like very much to have you emancipate these slaves. The Government at Washington is committed to that policy, and we are to be sworn to protect and defend that Government. It is a handsome scheme to turn over the power of the State, and this is the way this policy is to be inaugurated and executed. Strange, indeed, Mr. President, that the committee should have proposed such a proposition.

There are a variety of minor objections to the ordinance. The power of the judges of elections is greater than it should be. Then, the judge of an election is indictable if he permits to be recorded the vote of any person who shall not have taken the oath; but there is no provision in the ordinance fixing the evidence of that oath. For instance, I reside in a remote portion of a county, and I go before an officer residing in my neighborhood who is authorized to administer the oath, and I take the oath required by this ordinance and I go to the county seat and vote. Or, I reside in a remote portion of a county, and go to the county seat and there declare most positively that I did take the oath in my neighborhood before I came to the county seat. Then, what is the duty of the judge? He must either permit my name to be recorded, which if he does he will be indictable, or he must refuse me permission to vote without a challenge. In either case it would be wrong. I am rather inclined to the opinion that the proposition introduced by the gentleman from Monroe (Mr. Howell) is much better than the one reported back by the committee. I know it will be better if these objectionable words are retained in these oaths, if these oaths are continued as now. If the voter and office-holder are to be required to swear to support the Government at Washington, the people will regard it as an especial favor to have no election at all. As well remarked by the gentleman from Monroe, we are in no need of legislative action whatever, except what this Convention can well provide. We have an abundance of statute law, enough to ruin any people, and there is now no actual necessity for any additional legislation, except that which might arise out of this rebellion, and that we are abundantly able to provide for. There are other objections to this ordinance which I may think it necessary hereafter to call the attention of the Convention to; but as it is getting late, and the members are tired by a long session, I will not detain them longer.

Mr. Henderson. I desire to ask the gentleman if he voted for the ordinance passed at the October session, requiring all incumbents in office to take an oath to support the Provisional Government, as well as all persons to be appointed, and did he not also vote for the amendment of the gentleman from Davis (Mr. McFerran) applying this to private individuals?

Mr. Welch. I did not.

Mr. Henderson. Not for either of them?

Mr. Welch. No, sir.

Mr. Comingo. I do not feel disposed, sir, to let this question pass without a few remarks, and I regret gentlemen did not consent to adjourn until to-morrow morning.

Mr. Phillips. I think it is eminently due the gentleman from Jackson (Mr. Comingo), that he should have an opportunity to address the Convention on this subject. It will be remembered, at the outset of the Convention, the gentleman from Jackson introduced a series of resolutions touching the subject under consideration, and he has been expecting to discuss the proposition now before the Convention. We have been in session all day, and as the hour is late, I, therefore, move to adjourn to half-past eight to-morrow morning.

The motion to adjourn was lost.

Mr. Comingo. I will again repeat that I regret exceedingly that the Convention has not seen fit to adjourn at the present hour, in view of the adverse circumstances which exist at the present time. I shall decline to address the Convention this evening, hoping that in the future discussion of the subject I may have an opportunity to discuss the merits of the bill.

The President. The question is on the adoption of the amendment offered by the gentleman from Greene (Mr. Orr).

The yeas and nays were demanded, and the vote being taken, resulted—ayes 44; nays 24.

So the amendment of the gentleman from Greene was agreed to.

Mr. Hendricks. (When his name was called.) I shall vote No, with the understanding that an amendment will be offered to strike out the words in the second line, "or who has since that time given aid, assistance, or encouragement, to those engaged in rebellion."

Mr. Broadhead. I move that the ordinance be re-committed to the committee.

The motion was agreed to.

A motion to adjourn was lost.

Mr. Howell. I move to instruct the committee to report an ordinance on the basis of the minority report.

Mr. Bogy. I move to adjourn until to-morrow morning at half-past eight o'clock.

The motion was lost.

The President. The Chair will announce the committee on the motion of Mr. Hudgens: Messrs. Irwin, Hendricks, Moss, Shanklin, and McDowell.

Mr. Howell. I renew my proposition.

Mr. Moss. I wish to make a remark. If I understand the proposition, it is to instruct the committee to report an ordinance dispensing with the election entirely of all State and county officers.

Mr. Howell. My proposition is to make the series harmonic. The majority of the Committee on Elections and Elective Franchise have reported in favor of continuing the present State Government for the residue of the term for which Jackson was elected. My proposition is to dispense with all other elections except members of Congress.

Mr. Doniphan. With all due respect to my friend, I do not see any necessity for passing these instructions to the committee. Now, when the question comes up here, all we have got to do is to move to postpone all elections, and declare that one-half of the people are crazy, and that the other half are sane on all subjects; and it is a matter that can be accomplished in about two minutes.

Mr. Ray. If my friend from Monroe will move to re-commit, with instructions to report a proposition upon the basis of the majority and minority reports, it will carry out his idea. The majority report is to suspend the election of Governor, Lieut.-Governor, and Secretary of State; and the minority report, as supplemental to that, is to suspend the election of members of the General Assembly and county officers. Now, I understand the gentleman's object to be, to instruct the committee to report an ordinance upon the basis of both these reports.

Mr. Howell. I may be crazy, but I trust I have some common sense. The majority of the Committee on Elections and Elective Franchise have reported in favor of dispensing with the election of State officers. This bill is now lying on the table. It is proposed to re-commit the ordinance we have been discussing regarding the qualifications of voters. Now, in place of that, I want the committee instructed to finish out the system, by reporting the ordinance that the minority of that committee reported to the Convention.

Mr. Doniphan. Then I move to take the the other ordinance from the table, and recommit it with this.

Mr. Howell. That there may be no misapprehension, I move that the majority report continuing the present State officers in office, be taken up.

The President. It will be so ordered, if there is no objection.

Mr. Howell. I now move to re-commit that ordinance, together with the minority report, with instructions to report them back on the basis of the minority report.

Mr. Henderson. I now move to refer all the pending questions before the house, with the minority report and other matters, to the Committee on Elections. That will leave them without instructions. If the committee, to-morrow morning, shall report a different thing, it will be an easy matter to make it all right.

Mr. McFerran. The motion made by the gentleman from Monroe, in the first place, covered all that was necessary. He moved to instruct the committee to make a report on the basis of his report, and represented the effect would be to postpone all elections. Of course, if the committee report an ordinance of that character it includes the whole thing, and the gentleman's motion was right in the first place; and I desire, as one of the committee, to have an expression upon that point. If the Convention votes in favor of the motion of the gentleman from Monroe, the effect of it will be to instruct the committee to report an ordinance on the basis of his report, which is, that there shall be no elections in this State. I hope the house will take a vote.

The President. The chairman of the committee seems to desire a vote upon the instructions, and if the gentleman from Pike (Mr. Henderson) will withdraw his motion the vote can be taken.

Mr. Henderson. I am not prepared to say how I will vote. I must confess I am not prepared to say whether I am in favor of the postponement of the elections or not. There are circumstances that will induce me to vote in favor of a postponement. There are two things that will induce me to do so; and when the case comes before this body I shall give my reasons, and I am not exactly prepared to vote on the proposition of the gentleman from Monroe, or to condemn it. I have no doubt, however, in regard to the propriety of this action, and hence it is I desire the Convention to think about this matter. I hope the question will not be acted on this evening.

The motion of Mr. Howell was lost; and the motion to re-commit the bill defining the qualifications of voters was agreed to.

The Convention then adjourned to 9 A. M., to-morrow.

SIXTH DAY.

Jefferson City,
Saturday, June 6, 1862.

Met at 9 A. M.

Prayer by the Chaplain.

Journal read and approved.

GRADUAL EMANCIPATION.

Mr. **Breckinridge** introduced the following ordinance:

AN ORDINANCE TO PROVIDE FOR SUBMITTING TO A VOTE OF THE PEOPLE OF MISSOURI CERTAIN AMENDMENTS TO THE CONSTITUTION, AND A SCHEME FOR THE GRADUAL EMANCIPATION OF SLAVES.

Be it ordained by the People of the State of Missouri in Convention assembled, as follows:

Section 1. That the first and second clauses of the 26th section of the 3d article of the Constitution be and the same are hereby abolished.

Sec. 2. That all negroes and mulattoes who shall be born in slavery in this State, from and after the first day of January, A. D. 1865, shall be deemed and considered slaves until they shall arrive at the age of twenty-five years, and no longer, unless sooner permanently removed from the State.

Provided, always, That it shall be the duty of the General Assembly of this State, at its first regular session after this ordinance shall take effect, or as soon thereafter as may be practicable, to provide by law for the payment to the owners of those negroes and mulattoes who would but for this ordinance have been born slaves for life, a full equivalent for their value at the expiration of their term of service, and also to provide by law for their removal to such place or places beyond the limits of this State as may be designated by the General Assembly, at the expense of the State, of such persons as they arrive at the age of twenty-five years; and also to address a memorial to the Congress of the United States, announcing the acceptance by the State of Missouri of the offer made in the resolution recommended for adoption by the President of the United States, approved April —, 1862, and asking a fulfilment of the pledge therein contained, to aid those States which should provide by law for the emancipation of slaves, in bearing the burdens thereby incurred.

Sec. 3. That it shall be the duty of every person who shall be the owner, or who shall have charge for the owner or owners thereof, of any negro or mulatto born in this State after the first day of January, A. D. 1865, to deliver, or cause to be delivered, within six months after the birth of said negro or mulatto, to the Clerk of the County Court of the county in which he or she may reside, or in which said negro or mulatto may be born, to be duly filed and recorded in his office in a record book to be provided for that purpose, a paper duly signed, stating the name, age and sex of said negro or mulatto, and the name and residence of the owner or owners thereof; and failing in this, shall be deemed to have relinquished all claim for compensation as provided in section two for said negro or mulatto so not registered.

Sec. 4. That from and after the date at which this ordinance shall take effect, no slaves shall be brought into this State.

Sec. 5. That at the election of State officers, to be held on the first Monday of August, A. D. 1864, the several Clerks of the County Courts, or, in case said Clerks shall fail to do so, then the clerks of the election, shall, in preparing the poll books for the election, enter thereon two columns, one headed "For gradual emancipation," and the other "Against gradual emancipation;" and if a majority of the legal votes given be for gradual emancipation, then this ordinance shall take effect and be in full force; and if a majority of the legal votes given be against gradual emancipation, then this ordinance shall be null and void, and of no effect: and when the result of said election shall be ascertained, the Governor of the State shall, by proclamation, announce the same.

MR. BRECKINRIDGE'S SPEECH.

Mr. President, I desire to give, as briefly as I can, a few of the reasons which have induced me to prepare and offer the ordinance which has just been read. I should be pained beyond description if I supposed that any candid and loyal member of this body, or any candid and loyal citizen of this State, would for a moment suppose that, in offering this ordinance in reference to a matter so delicate and important, and which the history of this country shows to be so connected with excitement of every kind, I have any other motive than the good of the commonwealth of which I am a citizen and servant; or that I am willing, at this time of general distress and general anxiety, when questions so great and vital are already before the people for their disposition, to contribute in any way to the introduction of causes of strife and division among those who are united on the great question of loyalty. It is precisely because I wish, by all possible means, to prevent strife; it is precisely because I see division before us, and because I wish, if I can, to avert it; it is precisely because I wish no disturbing element to enter into the other great controversies which now occupy us; and, yet more, it is precisely because I believe that just in proportion as the people of this commonwealth can be brought to see, that directly in the line proposed by that ordinance is to be found their greatest prosperity, and the surest mode of crushing forever all thought of detaching them in any case from the Union—that I have introduced it. No conviction rests more clearly on my mind than this; and if, by any feeble words of mine, I can succeed in impressing on the minds of others this conviction, and induce them to take up with me this great question, and contribute to this great result, I shall feel that I have not lived altogether without good results.

I think I may assume, Mr. President, as a settled thing, in the minds not only of those who may agree with me in whole or in part, in reference to the policy indicated by this ordinance, but in the minds of those who radically differ with me as to the policy itself, or as to the time chosen in which to initiate it, that the doom of the institution of slavery is a thing fixed in the State of Missouri. I have conversed with all the intelligent and thoughtful men whom I have met, representing all old parties, all shades of opinions, and all sections of the State, concerning this matter, and I have yet to find one man willing to say that it was not his distinct conviction that the events of the last few months had finally and irrevocably settled the fate of slavery in the State of Missouri. I suppose I may treat that as a settled thing. Many persons go further yet than this, and say that the result of this great rebellion which has convulsed the nation, will be, necessarily, sooner or later, to settle the doom of the institution throughout this broad continent. That, however, is a matter aside from this proposition, and not necessarily involved in the questions I desire to discuss, and I shall not, therefore, enter upon it. Whether or not it is so in regard to the institution throughout the whole country, I may assume for the purpose of my argument that it is a settled thing in the State of Missouri.

I may, perhaps, add a word or two by way of showing that, even if it had not been for these convulsions, which have rocked the nation to its foundations—even if the history of the last eighteen months had been peaceful and prosperous—the announcement as to the speedy removal of slavery from Missouri could, with the same confidence, have been made. Let us see if it is not so.

The number of slaves actually removed from the State, within the last five or ten years, has constantly increased every year. The number of slaves brought into the State from other regions, within that time, has constantly decreased every year, until, I suppose I may say with confidence that, within the last five years, not nearly enough slaves have been brought into the State to make up for the loss of those removed, and this without regard to the rapid exodus of the last eighteen months. Again, as applied to present circumstances, how many have been removed from the State within the last eighteen months, the last fifteen months, or within the last year? I have heard various estimates. We have no statistics by which we may certainly arrive at these figures. My residence has not been in those portions of the State in which these results would be most directly apparent to me; but I remember having heard a distinguished member of this Convention state, not long ago, or to have seen it reported that he said in public, that the number of slaves removed from Missouri within the last eighteen months, reached at least fifty or sixty thousand; and I remember, also, within a day or two, to have heard another justly distinguished member of this body say that, from his portion of the State north of the Missouri river, within the last year, six thousand slaves had, in one way or another, been removed to Kansas, and thirty thousand had been taken by their owners into the South for safety. Now, sir, these are immense results. Admitting the possibility that these estimates are too high, we have some indications of the condition of the public mind which, in my judgment, imperatively requires those charged with the direction of affairs to strive to ascertain some mode by which they may be able to regulate and control so great and radical a revolution about so great an interest.

Wise men have said, Mr. President, and I think with justice, that the geographical location of Missouri, bounded on three sides by free territory, with all the influences brought thus to bear on it, is of itself enough very speedily to decide the matter. And more than this, they have said, and I again think truly, that the soil, climate, and productions of the State being all more favorable, for the most part, to free than to slave labor — inviting constantly the competition of free labor—that the interest of slaveholders themselves would, in the course of a few years—few, I mean, in regard to so great an interest—secure the removal of slaves from the State. Then, again, a glance at the statistics contained in the census shows that in 1850 the number of slaves in Missouri was but a fraction under 90,000, and the number of whites a little less than 600,000; while the result of the last census, taken after an interval of ten years, shows that the number of slaves had increased only about 25,000, bringing the number up to 115,000, while the white population had almost doubled itself, making in round numbers 1,070,000. These figures certainly throw some light on the subject. You certainly cannot suppose that an institution of this kind, increasing only at that rate, with an overwhelmingly greater increase on the part of the white population, can be expected to be left alone and unquestioned in the midst of prejudices which are in many quarters so strong against it, with the general understanding that it cannot long remain, and the growing conviction that while it exists it retards the growth and progress of the State.

But passing this, it is not a matter that the people of Missouri are able to decide, nor is it a matter that the members of this Convention are able to decide, according to their own will, whether or not this subject shall be thrust upon them. We cannot choose for ourselves whether we will consider it or not. If it rested with me to decide whether, at this particular juncture, this question should be brought before the people of Missouri, it is quite possible that I should prefer silence upon it. But it is not a matter over which the people of Missouri have any control; it is in the minds of all men who have considered with thoughtful care their duty to the people, and presses most, those who most thoroughly comprehend our great difficulties as applied to the local interests of Missouri. Why, as to the rebellion itself—this monstrous iniquity, this greatest of all human wickednesses since the crucifixion of the Saviour—and I do not speak extravagantly, but only the words of sober, simple truth—many men attribute it only to the existence of slavery. Many men, and wise men, not confined to northern localities and to free soil, but largely representing southern regions and slave soil, have insisted, and do insist, and strive to enforce their convictions by all the force of reason and argument, that this institution is of itself the cause, the only cause, of all our present woes. They have enforced it by insisting on arguments like these; that wherever slavery exists there only has rebellion existed; that it is a *sine qua non* of even its partial success; that wherever it has had the greatest power, there rebellion has had the greatest violence; that in those regions where it is found most feeble, there treason has had least power, and rebellion, or the spirit of rebellion, has been most readily crushed. Whether these things be true or not, is not necessary for my purpose to decide, and I do not think it profitable to discuss this question now. I may, however, say that, in my judgment, they err who think it the cause in any such sense as to exclude other most potent causes, for there were many, *and they also most surely err* who insist that the rebellion could have existed without it. Certainly, however, we all agree whatever our opinions, prejudices, or preferences may be—whatever we may think has caused it—that this particular institution has been made the engine, in the hands of wicked and designing men, with which to inflame and excite the people, thus bringing them to a position in which it was comparatively easy to drive them into the enormous wickedness of the rebellion. This of itself is enough to direct public attention to the subject.

Again, the President of the United States urges it upon the people of the nation. Now, let me say a word in reference to the President. I did not vote for the present incumbent. In my poor way I did what I could to prevent his election to that high office. He belongs to a party to which I am not and never was allied. He holds many opinions that I never did and do not now endorse. But, sir, for the courage —calm and yet true courage—with which, in the midst of thronging difficulties such as have never surrounded any other statesman, he has conducted himself and sought to direct and conduct this nation safely through its fiery trials, he deserves the hearty approbation and gratitude of every patriotic citizen. In my opinion, we can have no conception of the difficulties that have surrounded him. Attack-ed suddenly and violently by the radical wing of his own section, who aided in elevating him to office, who sought to make him the instrument of destroying the country, he has with manly courage withstood their efforts, and thus far arrested the dangers they threatened. He has been denounced through all the stages of this rebellion, and vilified by many thousands of the people of the South as their great enemy, bent on their destruction; but he has been their great protector—the great breakwater against which the violent waves of fanaticism, madly rushing, have been cast back harmless.

And we in the border States—we, who owe our existence, who owe the privilege of remaining here at all, under God, to him and his influence—certainly we should be the last men to speak evil words of him. I can heartily endorse the words spoken by that noble Border State man and patriot, (Mr. Crittenden of Kentucky,) who said the President had won his heart, and that there was reserved for him, in case he succeeded in restraining the violence of men and restoring the country to its unity and prosperity, a niche in the temple of fame, side by side with those who had been by God blessed in being able to found this Government, and with him who was the peerless father of it. The work of preservation is but little less arduous and glorious than the grand work of creation. Now, this man to whom we owe so much, appeals to us, and to us here and now, just as distinctly as if by name, and, making no selfish entreaty, addresses words of earnest admonition and exhortation to us; and more than that, he shows by the tone, tenor, and temper of his appeals, his earnest conviction, that, unless we act wisely in this regard before it is too late, it may be impossible for him to avert from us the troubles and dangers that may come. It is due to him, not only because of his high office, but of the manly merit shown in that great office, that we should at least say some respectful words in answer to his appeal. There is the most touching pathos and earnest eloquence in the words of that address which the President issued to the people of the United States, on the occasion of annulling that wretched proclamation of the General commanding on the coast of South Carolina, in which—after revoking it, and so putting himself in a position in which the radical men of the North might denounce him (as they have done and are doing) as a betrayer of the trust they claim to have confided to him—after taking that high stand, and it requires a man of true courage to do that—there is, I say, a touching pathos and earnest eloquence in his appeal to the people of the border States to consider this question. For one, sir, if I had not thought of it before, I would have considered it my duty as a good and loyal citizen of these United States, when the President's words came with so much force, advising me to take action on this subject, to respond by at least giving to it a calm and earnest consideration. I have done so, and I give you the results of that consideration.

Again, the President of the United States, appealing to Congress to join him in this matter, has been sustained by Congress, and that body by an overwhelming majority—sustained and aided, I am glad to know, by the wisdom and statesmanship of some of the representatives of the border States (and I only regret they were not all able to see their way clear to join in it)—has adopted in terms the resolution propounded by the President, and has pledged all the power and all the resources of the Government to those of the people of the United States in States where the institution of slavery prevails, to aid them, if they shall take the action indicated in it, by such methods and at such times as seems best to them, in bearing the burdens which will no doubt come as a result of this action, and "to compensate for the inconvenience, public and private, produced by such change of system." If there were nothing else, the question thus forced upon the consideration of the country would be so presented that wise men could not refuse to consider it, whatever result they might arrive at after consideration.

Once more, sir, our own unquiet condition—better, thank God, than it was a year ago, but still bad enough—admonishes us of this, at least, however men may differ otherwise, tha if it is in the heart of the people of Missouri to do this thing—if it is their purpose to declare that, by some wise, just, and gradual plan they will be rid of this institution—that then, even though the rebellion should continue longer than I suppose it can, for it seems to me to be in the very throes of death, the mere announcement of the purpose would be of itself the greatest possible instrumentality for securing to us peace. For, suppose—if such a monstrous supposition could enter your minds—that the Government of the Confederate States, so-called, should be permanently established; and suppose that the authorities there were informed that the great State of Missouri had determined to rid itself of the institution of slavery, does any man imagine that the Confederacy, founded, as its second officer said it was, upon slavery as its chief corner-stone, would admit into the edifice such an immense block of granite as this State would be, with institutions utterly discordant with theirs in the very particular they claim to be essential? The mere announcement that the people of Missouri had initiated a plan by which, in fifty years even, they would emancipate their slaves, would be absolutely final as to all thought or desire on the part of the people of the Southern Confederacy, even if it should succeed, of securing our adhesion to it. And then from our borders would be expelled, if not before, the vile guerrilla bands, those plundering assassins, who deserve the speediest and most condign punishment that can be visited upon them, and who daily carry misery to so many homes.

If I am right, Mr. President, in these things, and I think I am, this follows, that the question before us to-day, even if I had not introduced this ordinance, is not whether we will or not consider this great matter, but, being compelled by the force of circumstances to consider it, how we will decide it. That is the question, and it is one which cannot be avoided, whether wise or unwise—whether we like it or not—whether we think it best or not—whether the time is propitious or not—it is now and here pressing upon us for decision. Certainly, sir, no one who claims to be worthy to represent, in high discussions and in the discharge of duties such as ours, a great people, will be guilty of the folly of spending time in deploring the necessity of action, when it is clear to his comprehension that action only will answer. The storm rages, whether we will or not; the storm rages, and the question is whether we shall oppose to it a feeble resistance which must be fruitless, and so impair its force in nothing, but only become its victims; or whether, since we cannot prevent it, we may by wise counsel seek to direct and guide its action, and so avert from us the fate which otherwise awaits us. The very horn-book of statesmanship proves clearly what is wise, and what is the duty resting upon us in such a case. The very elements of statesmanship prove to us that if we would be true to the demands of duty, we must take it up and consider it in the light of all the truth and reason we can command. My judgment is that the decision is to be made by us, and that the alternative is not between slavery to be perpetuated indefinitely in the State of Missouri and emancipation, but between emancipation gradual and emancipation almost immediate. I do not now speak of any policy I have of that sort. I greatly regret that it is so; but I speak now of the course of events—the actual state of things presented, whether we like it or not.

How, then, is this state of things to be met? If I am right, how is it to be met, and what is it the part of wise men to do? There is no conviction resting on my mind more clear than that the interests and the duty of the people of Missouri point imperatively in one direction; that their only wise policy is to provide for the gradual removal of the institution and the subjects of it from the State. Not, sir, in the spirit of fanaticism do I entertain these views. I am not much in the habit of disavowing opinions which I never held, (lest, perchance, I might be suspected if silent,) because I have supposed that, humble as has been the course of my life, those who thought enough of it to consider it at all, would know that I have at all times allied myself with those whom I believed to be conservative; not in the spirit of fanaticism, for no man deplores more than I do the reckless, radical, unwise, and malignant spirit which so often prevails in these discussions at the North, and which, unfortunately, just as often, for years past, has prevailed at the South, and which there has wrought so much ruin, even before its last terrible results; not in the spirit of fanaticism; not in the interest of the negro, for I am not influenced in making this proposition by any of the humanitarian notions of the day, which prevail in so many minds—not in the least. I believe confidently—joining still with the men of all parties, and of all nations and races, in denouncing the wickedness of those men who ravished the ancestors of these people from their homes and brought them here, subjects of barter, and to supply a wicked traffic, which was made a chief ground of complaint when our revolutionary fathers appealed to the civilized world against the oppressions of Great Britain—I believe confidently, the negro is better off in slavery here, than he could be in the present generation if he were free here or elsewhere. Not, then, as a friend to the negro—not out of sympathy with the slave—but as a friend to the white man, for I love my own people better than any other, and it is because I so love them that I desire to aid in devising methods to promote their interests; and if, incidentally, some other people shall derive some benefit, surely I shall not complain. The real, decisive object with me is the interest of my own race, my own people, my own Government, and for this I labor. Not, again, sir, by revolutionary action at all do I seek it. If I could control it I would not allow such influences to prevail, but by slow approaches; not by convulsion, but by gentle means; not by advocating radical and reckless measures, but by those gradual, well matured, tested by the experience of other States, and endorsed by the wisdom of the greatest statesman this country has ever produced; not seeking to make my views the test of any man's wisdom or loyalty, for I know, and I think it would be well if many at the North would also know, that many thousands of the most efficient, most determined and resolute Union men are those who are the most distinct in the avowal of their belief that this institution is of itself a great blessing.

Again, sir, surely not by the final action of this body, but by appealing through the machinery provided by it, to the people for their well considered judgment and deliberate determination. What are the features, Mr. President, of this plan set forth in the ordinance I have submitted? First, sir, it proposes—and that may not be necessary when taken in connection with the other features of it, but I have thought it a wise precaution against those nice legal and constitutional questions which may arise to embarrass it—it proposes to sweep out of the Constitution those clauses which it contains, and which were put there for the purpose of preventing interference with this institution, by providing for their repeal. It proposes not to interfere with the status of any slave now living—not one. Let all, as far as I am concerned, who are now living within the limits of the State, remain here, living and dying slaves. I do not propose, nor do I desire to interfere with one of them. It proposes to apply itself only to those born after the first of January, 1865. I have chosen, sir, in drafting this ordinance, that date. I think it long enough, but I have no particular preference for it. A year or two later, or even more, will answer just as well; and I will state, in order that it may be fully understood, that I have desired, in presenting this plan, to present not alone my own peculiar views, but I have sought in it to consult the judgment, and, to some extent, even the prejudices of other conservative men. I am not so wedded to it, or any part of it, as to be unwilling to adopt any modification of it which shall accomplish the same great object by even more gradual means.

But, as I have stated, the day named is the first day of January, 1865, and even then there is to be no change in their condition. At the end of twenty-five years to be spent in slavery, they are to be removed. They are not to be free at all upon the soil of Missouri, and remain here a pest upon her bosom—a class necessarily inferior and depraved. I do not desire to see any action taken to increase the number of free negroes, and I would not, by any act of mine, add one to that class amongst us. It is provided that on reaching that age, they shall be by the State taken from the State, the General Government aiding according to its pledge, and removed to some locality where, perhaps, in the course of time, they may be able to build up for themselves a country and a home. And that is not all. They are to be removed by the State at the expense of the State, but only when those who own them have been paid for them their full value. And yet that is not all. The whole plan in all its parts and in all its details, is to be submitted to the people for their final action upon it. Not now, when the public mind is so occupied with other and more vital matters—not now, when parties might be ready to make a test of it to divide the people on other most important questions—not now, when the State bleeds under the terrible strife that treason has brought on her—but two years, I have said, or, if you choose, four or five years from now, let it be submitted to the people, when they are to elect no one, and when a vote is not to be taken upon any other matter, which might divide and distract them. Then, calmly, when smiling peace with all its blessings has returned to us, and when prosperity shall have again been restored to this broad continent and all its people, then, with nothing to disturb or excite them, let the people in their majesty come and decide for themselves, in the light of all the knowledge they can command, this great question.

Mr. President: it seems to me, if any human mind can be willing to consider this question of emancipation at all, this plan stripped of all those features which are exciting, must commend itself. If, under any possible state of case, any gentleman is willing this matter should be thought of at all, here certainly is the way in which he can do it without fear of exciting the tender susceptibilities of any one. I have desired, in framing and submitting it to the consideration of the Convention, that it should be so worded as to be in all respects a reflex, as far as possible, of my own thoroughly conservative ideas upon the subject, and that no one should find in it anything unjust or radical.

Suppose it done, sir. Suppose this ordinance adopted by this Convention, what remains as the basis for a party making emancipation its leading idea? Suppose, further, the people of the State, having the privilege given to them of deciding this matter, should decide in the affirmative, and incorporate in the body of their laws this proposition, what will follow? One result, I think, I can safely predict, would be the cessation of all excitement on the subject. What would remain as food for excitement? What possible basis on which to build up radical movements? Even during the present excitement, suppose the Convention should agree with me and adopt this proposition, what remains for those radical men who are found within the limits of the State, and who would be ill satisfied with it, or at least a portion of them, because not responding directly to their views? There are radical men in this State—there are those, it is alleged, who, though truly loyal, may forget, in the prominence they give to this great matter, other most important interests, and, perhaps, would be willing to divide the loyal men of the State on this subject; but if there are such, I am not of them. Let the Convention adopt this plan, and it would be as the summons of death to all improper agitation, for the power to agitate the people would be gone in an instant. Suppose it done by the Convention and adopted by the people, will any one need to be told the consequences?

A tide of people flowing into this State from the great States around us; filling up its wide limits, and covering its broad and virgin acres now lying waste by millions, and with us exposing the rich mines of wealth that now lie buried in the earth neglected; bringing with them capital to develop all that is not developed, because the State has been too poor and sparsely settled to do it, and supplying the place of that class of laborers who go away from us. And this change so gradually and silently effected that we will know it has been accomplished only by the grand resuls that follow it.

Our State debt, amounting to say twenty-four millions, on which now we are unable to pay the semi-annual interest—a burden under which we have long struggled, and which now crushes us to the earth—will become light by means of this tide of immigration, and the large increase of wealth and power which they, in coming to labor with us, will give. Our prostrate credit raised, and all that can impede our progress removed, we shall be launched again on a career of greatness such as Heaven rarely vouchsafes to any people. And then again, consider our portion of the National debt. Thousands of millions of money would be well spent, and must be spent, sparing nothing that may be necessary in restoring the unity of the Government, and in protecting and preserving its nationality. But, when it is done, the people whom we represent will have their portion to pay. How are we to do it? If we are unable to pay the regularly accruing interest on a debt of $24,000,000, how can we on a National debt of a thousand or fifteen hundred millions, which our debt may reach, assume our portion of the payment? It must remain absolutely unpaid, or else be wrung from our hard necessities. This plan would add to our *ability to pay, not only* our own local State burden, but would inevitably bring to us such a tide of prosperity, that even this great National burden would be borne easily by our people, and that, too, without trenching upon the resources necessary for their support. Now, this is the grand result if this proposition is adopted. If I am mistaken, I would be glad to have gentlemen point out where the error lies.

On the other hand, sir, suppose it not done. The same process by which, according to some estimates, fifty thousand slaves have gone from us within a year, will continue, marked by the same sad features as it progresses, and filled with the same record of outrage, violence and wrong; no compensation, not a farthing, but too often in the form in which it comes, stripping the owner not only of his slaves, but also all that he has, the hard earnings of a life-time of labor; no choice as to time, means or method, not at all; no gradual change, but a shock, sudden enough to leave the deserted plow midway in the unfinished furrow, and the ungathered crop rotting in the field; a shock sudden enough to strip many men of all the means of life; a shock sudden enough to withdraw immediately such a proportion of the laboring classes as to break down a commonwealth infinitely more powerful than this. I do not say, Mr. President, that I desire those results. God forbid! But I do say that it does not require the power of prophecy to say they will ensue. Our credit then dead, our pecuniary burdens intolerable—our laborers in such large numbers gone, and none immediately replacing them—we would be driven to that last sad resort of feeble and dishonest States—repudiation.

Let no man say I am willing by side issues to divide or distract the Union party. I seek by the only means remaining to prevent this very evil which I dread. The question, as I have said before, is made, is here among you, is in the minds of every man on this floor, and in the minds of all the people. Refer it to the people, and, as I said before, the reason for division is removed, and the possibility of radical schemes averted; for, in spite of all efforts to the contrary, nothing remains as a basis of excitement.

If it may be borne with, Mr. President, I desire to notice very briefly a few of the objections which I have heard, and which come from gentlemen whose experience, and whose ability and loyalty entitle them to high consideration and respect. I desire to examine some of these objections, and to see, as briefly as possible, whether in fact there is any thing in them worthy of serious thought, of force enough to show that the position I have taken is erroneous.

They say we have enough already to do. That is true. There never was a people more fully burdened with enough to do, nor dealing with issues more tremendous than this, to-wit: the very life of the commonwealth itself. And that would be an unanswerable argument, if what I have already shown were not also true, that whether we will or will not consider it, it will be thrust upon us—it is thrust upon us with a power we cannot control or resist.

Again: it is objected by those who, under ordinary circumstances, declare they would approve it, that it will create excitement, agitation and strife among Union men, and will have a bad effect also upon the rebels and their allies among us. I do not believe, sir, if this body will give to the loyal people of the State the right to pass on this issue, that it will produce any excitement at all. It should not do so, nor do I believe the history of any people to whom this question has been thus, or in any like form, submitted, will prove it.

It is said it will perhaps excite the rebellious portion of our people. It has not been my habit, Mr. President, during any part of this controversy, to consider whether anything I proposed to do, or did do, would excite any man already sufficiently excited to seek to destroy everything that is valuable in our institutions, and drive us to arms in its support. My desire has been not to consider his liability to excitement at all, but my duty; and I think the experience of this Convention and of the people of the State has been, that just in proportion as the attempt has been made to avoid doing what would excite those already engaged in treason, or sympathizing with it, they have become still more excited. Letting them alone is the most exciting thing to them I have seen done. It is not the part of wisdom or of statesmanship to consider the wishes and desires of those who have already availed themselves of every possible means to gratify their evil desires, and who scoff at our efforts to conciliate them. The best mode of conciliating rebels is by the demonstration of the power of the Government, and by force compelling submission.

Again: I have heard it suggested that this proposition, if adopted by this Convention and submitted to the people, would be used to justify the charge so often made use of heretofore, that the Union party is abolitionized or allied to abolition. There could be no more infamous falsehood announced concerning the overwhelming masses of our people, and yet I think I may say, that, without any opinion on this subject which would justify the charge, there is not to be found in the State of Missouri a single man of marked loyalty who has not already been denounced as an Abolitionist, though, in fact, as far removed from that class as he is in thought or sympathy from those who prefer the charge. This charge has been so often and so flippantly made that I have come to consider it as, perhaps, the most unfailing test of a man's loyalty, that he has been denounced as an Abolitionist. The man who has been so successful in tempering his loyalty throughout this struggle as to avoid exciting the hostility of this class engaged in treason, and their sympathizers, to such an extent as not to incur the application of that epithet, I will not say he is not loyal, but I will say his loyalty has, in all probability, not borne any very distinguished fruits. They will resort, whether you do anything or nothing, to all means of misrepresentation, and will not ceaes until treason dies within them, to vilify you, to inflame the public mind against you, and by all means mislead. Will men in these high places be influenced, in any degree, by such follies, or modify their action in any respect upon such suggestions?

Again, sir: and this is the reason I have heard most frequently suggested—a reason which, it seems to me, has the least possible force—it is said that five years probably, and ten years at any rate, under the present rate of progress, will accomplish the desired result, unaided by our action; and why not, therefore, await in silence the simple lapse of time? Have gentlemen fallen so much in love with recent processes that they desire to continue them? Can it be that, with these opinions, they will deliberately allow the people to lose absolutely all compensation rather than refer to them the decision of the question, and thus give them full opportunity to be reimbursed? Can it be, that gentlemen of ability and experience will be—if I may be permitted, with all respect, to say so—so absolutely blind as to prefer that the people, whom they represent, and with whose destinies they are so largely charged, shall, in less than five years, lose by radical methods, so large a portion of their slaves absolutely, and in a mode which is, of itself, so largely destructive of their interests, however certainly it might, in the end, contribute to the aggregate wealth and prosperity of the State, rather than entertain the proposition of allowing the people themselves to decide the question in a way which will avert all convulsions and secure full compensation?

It is said again, the people want repose. So they do, and it will not disturb their repose if they are allowed carefully to consider and answer this question. By which will they be most disturbed, by this method, or by the recurrence at every election for years to come, as the institution becomes, as it will, even according to the opinions of the objectors, more feeble, of the same questions, presented often in the most violent and radical manner? And if there be no election, as I believe is the policy preferred by some of the gentlemen on this floor, will not the submission of this question, and the appointment of a time some years hence for its settlement, have a better effect for quiet, than the knowledge on the part of the people that it is to be constantly thrust upon them, in season and out of season, so soon as the polls are again thrown open? Will it not be better to fix a time when they, in their own might, may settle it, than to allow them at every national and State election, in the choice of every county and township officer, to be approached, consulted and canvassed about it, and, after all, with no substantial result?

Once more, I have heard it suggested, and if I am not mistaken, I saw it suggested within a day or two in one of the largest and most influential papers of this State, as a matter for the consideration of this body, that it did not possess the *power* to adopt such a plan. I will not waste time, Mr. President, in discussing a question like that. I mention it only to show that I have not lost sight of any of the objections made. Surely no one capable of the simplest thought can candidly urge this, in view of the questions we have already dealt with, and surely no loyal member of this body who was one of the majority which deposed the fugitive Jackson, and swept out of their dishonored seats the members of the General Assembly, can hesitate as to its full power in the premises. Our solemn votes, and the record of them made, settle beyond dispute our estimate of our own power, and that it is all-sufficient for this purpose.

Again, it is objected that we were not elected for this purpose. That is true. But I desire again to ask gentlemen, which one of them was elected for the purpose of deposing the infamous Jackson? Which one of them was sent here for the purpose of hurling out of office a traitorous Legislature? Which one of them was sent here to do any of the other acts which now, and in all our sessions since last July, we have found it necessary to adopt? We have wisely decided that the proper measure of our action was just that course which we believed the safety of the people required, not refusing to act because the particular matter was not distinctly entrusted to us. Thank God! these things were done. Thank God! I, in my humble way, had an opportunity to join in doing them; and, indeed, I reckon it a high honor to have had that privilege. Let this also be determined by the same sound rule. Let us decide to-day those things which the health of the State absolutely demands at our hands. I propose to you this great question, and appeal to you by the same argument as that employed heretofore in other cases, for some action upon it, believing that it will immensely increase the prosperity of the State, and that the interest of the people imperatively requires it of you.

It is also objected by some persons that we are not informed as to the will of the people on this subject. I ask, sir, only to be informed of that will. We have had no authoritative expression of the will of the people of the State concerning the matter. Then, sir, let us have it. Surely gentlemen have not so lost confidence in the people that they are unwilling to let them express their will about it; and surely no man who will carefully think of it will complain of that public servant, who, by such a measure as I have proposed, which so carefully guards all the rights of the people, has merely chosen to allow him, as one of the people, to decide, so far as may be in his power, what shall be the issue of the controversy.

I have heard it stated, also, and it is worthy of a moment's consideration, that even if adopted, the plan is impracticable, because it is impossible to make compensation for so large and valuable a species of property as these persons constitute. I think a moment's reflection will show that this is not so. Remember, in the first place, you have the pledge, in the abstract, it is true, but yet in a form which it must be admitted the Government and the Congress of the United States will be very slow to retract or violate—indeed, it is not only binding in good faith, but has, when accepted by us, all the power of a contract; remember, you have the pledge of the resources of the entire Government to enable you to accomplish this object; still farther, remember the plan I propose is slow in its operation, that it applies to no living slave, but twenty-five years hence can for the first time work freedom for any slave. Let the people adopt that plan, and more than twenty-five years is given; twenty-seven years from this date is the time for the first slave to be removed from the State absolutely, under the provisions of that ordinance.

Twenty-seven years, sir, is the time; and then remember how large a proportion of those who are born die before reaching twenty five years of age, and of those born and not dying, how many will be removed to other slave States; not by a rapid movement, not by gathering them up in the night and hurrying them off in frantic haste, but with full notice, with so long a time for preparation as to insure an influx of other laborers to fill their places, and to destroy all the prejudice of those who might not be willing to relinquish them under the compensating provisions of the ordinance, and who have thus full time for their removal to those regions where the institution may still prevail. And finally, remember that those who reach this age will reach it at intervals, not coming as a burden upon the State all at once, or even in any considerable number; and it is safe to say that ten or twenty thousand dollars yearly, for a few years, will be all-sufficient to compensate for every negro whose owner can claim payment under the provisions of this ordinance.

I have not ventured at all into the field of statistics, rich as it is in most convincing reasons for adopting this plan, if we seek only that policy which will most rapidly increase our population, wealth and power. I have purposely avoided this view of the subject; for, while I may suppose the members of this Convention are as fully informed in this respect as I am, I should only weary them and waste time in seeking to fortify my argument in this way. To those who are curious in such matters, I commend a comparison of the States of Virginia, Kentucky and Missouri with New York or Pennsylvania, Ohio and Illinois, and ask attention to the wonderfully rapid relative increase of the latter in all the elements that give wealth and power to a State—the more striking and conclusive when it is remembered that in each case the advantage in all respects was originally with those which now have fallen far behind. I will not dwell on this topic, but hurry to a conclusion, lest I abuse your patience.

I have desired to present only a few of the considerations most familiar, and which have suggested themselves to my mind upon this question. For I have been satisfied, not only as to this body, but as to the people of this great State, that however much they may be wedded to this institution; however much they may desire to retain it, as I know very many of our best and most loyal men do, I have been satisfied that the simple logic of the statement of the case would be conclusive, provided it is considered without prejudice.

Let me state it in a word again: Slavery is doomed in Missouri. This all admit, and whether it be agreeable to us or not, we have no power to alter the decree. The question is so variously presented that we cannot avoid it if we would. If we refuse ourselves to act, or to let the people act, its destruction will be violent and speedy, not gradual—as, by directing, we may make it. The too rapid removal of so large a part of the labor and wealth of the State, no new labor immediately supplying its place, and no compensation following its removal, will be destructive of many private interests, though in the end adding largely to the aggregate wealth. And finally, the way is open to avert the threatened evils by simply asking the people their will.

I have said before that there was no conviction resting more clearly upon my mind than this, that the interests of the people, the wealth of the people, the power of the people, the just influence of this great State, destined of itself to be an empire, would all be so promoted by the adoption of this proposition, as not only to justify such action, but to require it of us imperatively. I did consider it, Mr. President, and I do yet consider it as great an honor as could be conferred upon me, that I was by that noble people, among whom I live, designated as one of those to deliberate and act for them in this body upon questions as vital as any people can ever commit to those who represent them; and I thank them from my inmost heart for this high evidence of their confidence and regard. I have considered it, sir, a high honor to be a member of this body, and while in many things it has failed to go as far as I desired, or as far as I thought a wise policy indicated, it has been in its action so wise, and has so readily met great emergencies, and assumed great responsibilities as they have arisen—it has proceeded with such manly dignity and calm resolution to the consideration and decision of the difficult questions these times of trial have cast upon it, that I do yet consider it a high honor to be a member of it; and I venture to say that if this body desires to add one other noble act to its record, which shall claim the admiration and the gratitude of the people throughout the entire commonwealth, the way is now easy and open. I think I have not overmuch ambition, but I am not devoid of it, and he is a poor citizen and a worthless public servant who has none. But I tell you, sir, the measure of my ambition would be satisfied if here to-day I could so link myself to such a proposition as this, as that I might be mentioned in connection with it years hence among the people whom we here represent and serve, as one of those who, however humbly, contributed to its adoption. Here, then, is the sum of the whole matter. I have not dealt with statistics; I have desired plainly to make a few suggestions that seemed to me to have some weight. I have not desired, and I repeat it distinctly, to introduce into this body, at this time, an issue which would excite or divide Union men. What I have done has been done, because I desired, in my poor way, to contribute what I could to avert the strife and division which threaten us on this issue, and at the same time promote the best interest of this great State. If there is any one wish nearer my heart than another, after the preservation of this Union, it is that the loyal people of this great commonwealth shall not be divided and distracted in their action; but that they shall labor together unitedly for the preservation of the State. And I give it as my deliberate judgment that this, or some such action, is necessary to enable them to do this. I eschew all tests that contribute to the building up of a party on the single issue of emancipation. When a candidate is presented for my choice, the only test I shall apply—as it is the only one I have applied during these great trials—is that of thorough, original, untainted loyalty. But I desire this question to be submitted to the people. I wish to avoid all chance of division upon other issues, and therefore I desire to remove it from present complications, and postpone its decision for at least two years, when peace and prosperity shall have returned; when the perfect restoration of the Union shall have crowned our present struggles; and when, freed from all embarrassment, it may be calmly and wisely considered and decided.

I have thus attempted to discharge what I felt to be my clear duty, and having done this, I leave to you, Mr. President and gentlemen, the responsibility, I still must share with you, of deciding this great question. It is a responsibility which no wise man would covet, but which no wise man, no faithful public servant, having it cast on him, will endeavor to shrink from or avoid.

Mr. Henderson endeavored to obtain the floor.

Mr. Hall of Randolph. While I dissent from the views of the gentleman from St. Louis, I do not rise to give my reasons for differing with him. The agitation of this question in this State has already caused more trouble than the slaves are worth. In its moral effects the mischief has been almost incalculable, and the agitation of this question affects not only the slave interest in the State, but every interest, every class of society, and every relation of life; and involves so many evils, that it is our duty to use all our influence, here and elsewhere, to prevent the agitation of that question. I, therefore, for the purpose of expressing my dissent, and for the purpose and in a manner to avoid agitating the question, move that the proposition be laid on the table.

Mr. Long. I reside in the same county with the gentleman who introduced this bill, and I desire to occupy a few moments.

Mr. Birch. I think that perhaps ——

The President. The motion to lay on the table is not debatable.

Mr. Birch. I ask a question of privilege—

Mr. Hall of Randolph. If I may be permitted to withdraw the motion temporarily, without yielding the floor, I will consent to withdraw the motion for the benefit of Mr. Long, and afterwards for Judge Birch.

Mr. Henderson. I apprehend the floor cannot be disposed of in that summary way—that no gentleman can yield the floor for the benefit of any particular gentleman.

Mr. Hall of Randolph. I attach a great deal of importance to my motion, and as the gentleman objects to my yielding the floor to any one, I will now renew the motion.

Mr. Henderson. Now I desire a word. I have been aware for some time that this proposition would be made in this Convention, and I know another thing ——

Mr. Hall of Randolph. The motion is not debatable.

Mr. Henderson. I appeal to the gentleman to withdraw his proposition until I can make a few remarks on the proposition, not for the purpose of agitating the question of slavery, but for the purpose of giving some facts in relation to the matter, which will allay agitation. I only ask it of him as a favor.

Mr. Wilson. (Mr. Rowland in the Chair.) I desire leave to make a remark.

Mr. Hall of Randolph. It was known to several individuals around me that I desired to get the floor for the purpose of making this motion. The gentleman from St. Louis (Mr. Long) and the gentleman from Clinton (Mr. Birch) applied to me, when I got the floor, to yield it to them, for the purpose of allowing them to make some personal explanations. I told them I would, but as a matter of course I had no right to do so if any gentleman objected. The gentleman from Pike (Mr. Henderson) insisted that I had no right to withdraw it.

Mr. Henderson. Not at all. I did not say you had no right to withdraw it, but that you had no right to withdraw it in favor of any one member.

Mr. Hall of Randolph. I had no right at all. I was not inclined to yield it to either of these gentlemen, but they applied to me to allow them to be heard, and I promised them I would, and I felt that in good faith I was bound to do so. My own feeling is, that nobody should be heard upon this subject; and, inasmuch as gentlemen around me insist that I shall not yield the floor unless I yield finally, I now insist on my motion.

Mr. Long. These Congressmen have had their say in this Convention, and I think their constituents should have something to say also. But if I am to be gagged and put down all right.

Mr. McFerran. I rise to a point of order. This discussion is all out of order.

The President. That is true, sir.

Mr. Henderson. So far as the remarks of the gentleman from St. Louis (Mr. Long) were concerned, I suppose they were intended for me. I have addressed this Convention but once—yesterday morning. I shall leave to-morrow, and shall not trouble the Convention hereafter. I am satisfied that I have not attempted to trouble the Convention with remarks not legitimate and proper, at any time; but if the gentleman insists upon his motion to lay on the table, he can do so; but I can tell him one thing, that I do not think he subserves the true interests of the Union party in making that proposition. I think that in all candor I can present reasons ——

Mr. McFerran. I do not see the right of the gentleman to make this speech.

The President. This is all out of order. The Chair, however, would state ——

Mr. Hall of Randolph. I must insist upon my point of order, that this question is not debatable.

The President. That is true, but I make this suggestion to the Convention as its President. My position is well known by every gentleman, but I see that this ordinance refers to a resolution which passed the Congress of the United States, and upon which my colleague and myself voted in the Senate, and also my colleague (Mr. Hall of Randolph) in the lower House. We return to Washington to-morrow, and I would be very glad if my colleague (Mr. Henderson) could be heard; and it might be possible that I would add a few words myself, if I had the opportunity.

Mr. Breckinridge. May I say one word with the permission of the entire House?

Voices. Object.

The President. The rule must be strictly enforced.

Mr. Breckinridge. I wish to say it in the interest of the gentleman from Randolph.

Mr. Hall of Randolph. There is no gentleman in this House whom I would sooner accommodate than the gentleman from St. Louis. His courtesy is always uniform; but I am determined now to yield to no one, and I ask, and insist, that the Chair shall put this question.

The President. The rule shall be enforced.

The question is on laying the main subject on the table.

Mr. Breckinridge. The House will see that they are to be denied the right to discuss this question, and I hope gentlemen will refuse to lay the subject ——

The President. The gentleman must not go into a discussion.

Mr. Hall of Randolph. I do not think the gentleman from St. Louis (Mr. Breckinridge) would do me a wilful injustice, but he is doing me injustice.

Mr. Breckinridge. I certainly intended nothing of the kind.

Mr. Hall of Randolph. I engaged to yield the floor to several gentlemen, and the gentleman from Pike (Mr. Henderson) objected to my yielding.

Mr. Orr. Order.

Mr. Hall of Randolph. It was then impossible for me to yield it to those gentlemen to whom I had agreed to yield it; and I had gentlemen all around me insisting that if I yielded the floor at all I must yield it entirely.

Mr. Stewart. The regular order of business is the report from the Standing Committee on Military Affairs. [Laughter.]

Mr. Comingo. I ask that the bill be read.

The Secretary then read the bill, and the ayes and noes were ordered. The vote taken and resulted—ayes 52, noes 19—as follows:

Ayes—Messrs. Allen, Bass, Bast, Birch, Bogy, Brown, Cayce, Collier, Comingo, Doniphan, Douglass, Drake, Dunn, Frazer, Flood, Gravelly, Hall of Buchanan, Hall of Randolph, Hendricks, Howell, Hudgens, Irwin, Jamison, Johnson, Kidd, Long, Marmaduke, Mateson, McCormack, McDowell, McFerran, Moss, Orr, Phillips, Pipkin, Rankin, Ray, Ross, Rowland, Shackelford of St. Louis, Shanklin, Sheeley, Smith of Linn, Waller, Welch, Woodson, Woolfolk, Van Buskirk, Zimmerman, Mr. President—52.

Noes—Messrs. Breckinridge, Broadhead, Bridge, Busch, Eitzen, Henderson, Hitchcock, Holmes, How, Isbell, Jackson, Leeper, Linton, McClurg, Meyer, Pomeroy, Scott, Smith of St. Louis, Stewart—19.

So the motion to lay the bill on the table was agreed to.

Mr. Hendricks. (When his name was called.) For my own part, I desire to say that I think it would be profitable to hear this subject discussed, but in obedience to the will of my constituents I vote aye.

Mr. Long. (When his name was called.) The vote which we are about to give is one of considerable importance, and I do not feel disposed to vote unless I can give my reasons.

The President. The rule is that no gentleman has the right, strictly, to explain his vote; but it is not generally observed, and I have heretofore allowed gentlemen to explain their votes.

Mr. Long. May I be permitted to explain the reasons for my vote?

The President. Yes; but in doing so you will not be permitted to discuss the merits of the question.

Mr. Long. The proposition I make to the Convention is that I will give my reasons, and if you don't like them you can vote them out.

Mr. Hall of Randolph. I object.

The President. I will submit this matter to a vote of the Convention.

Mr. Long. I want you to understand who makes the objection. One of our Congressmen.

The vote was taken, and the President informed Mr. Long that he could proceed.

Mr. Long. Mr. President, I ask the indulgence of the Convention for a few remarks. Though this is the fourth of our sessions, I have taken no part in discussing the various subjects introduced. My views were so fully reflected by the speeches of members who had the ability to command attention, that, with no desire to thrust myself before the public, I have been a silent and attentive listener. But, sir, this ordinance strikes me as one so important, that, differing in a great measure from those who have spoken, I feel it a duty I owe to my constituents, as well as to myself, that in opposing its passage I should place upon record the reasons for my opposition to it.

To my mind, sir, it is not the question now whether emancipation has become a political necessity, nor even whether it be one which the interests of our noble State should encourage.

I will, sir, for the sake of argument, to the gentleman who introduced the measure, concede that he is right; that at another time, and under different circumstances, it would be a proper and most excellent measure; I say I will concede all this for argument's sake, but not, sir, that I really take his view of the subject.

All history teaches us that measures of this kind, so suddenly taken up and carried out, upon such a gigantic scale, must end in ruin. The intestine commotions of Mexico, and the other South American Republics, are lessons for us to read carefully, for they speak but *too* sadly and too truthfully of the effect of admitting to citizenship numerous hordes of an inferior and uneducated class;—in all of those Republics, political reasons are but the pretexts which hide from view the real cause—a war of *castes.*

Again, the late lovely plantations of Jamaica, St. Domingo, and Martinique, in their aspect of ruin, when compared with those of Cuba; their liberated negroes, starving in the midst of abundance, when compared with the condition of the same class in Cuba, painfully teaches us that by a mere edict of law we cannot make thrifty and industrious citizens of the freed slaves.

Intending to be brief, I shall not discuss the causes why these facts occur; they are facts, and facts that cannot be controverted.

Then, sir, if slavery is to have no existence among us, I can see no reason why those slaves when freed should not be admitted to all the rights of citizenship; there may be constitutional objections in force to prevent it, but those objections can as well be removed by us as those which stand in the way of their freedom; *there can be no objection urged for their* emancipation, which may not as successfully be invoked for their citizenship. So large and so numerous a class in our midst should certainly not be treated as a hostile class—if, in the humanitarian sense, we must regard them as brothers, and whom it is wrong to hold in bondage, let us not stop half-way in our generous course, but carry out our views to their legitimate consequences. If it be wrong to hold these men in bondage, it is wrong to hold them politically in a condition of serfdom—and such they are from the mere fact that they are blacks—while we uphold their ability to maintain themselves.

Mr. Broadhead. I call the gentleman to order. The gentleman is discussing a distinct proposition, having no connection with the proposition introduced by my colleague.

Mr. Long. I think the gentleman is mistaken.

The President. The Convention has taken from my hands the power of deciding the question.

Mr. Calhoun. Let the gentleman go on and make his remarks. The Convention has given leave.

Mr. Hall of Randolph. He has, according to the rules, only the right to make a personal explanation of his reasons for his vote, and not to enter into the merits of the question. If we open this discussion, we cannot in reason or justice refuse this same right to any other individual, and the whole object of the motion to lay on the table will be defeated. My object in making the motion to lay on the table was to prevent discussion of this sort, and I now urge the point of order presented by the gentleman from St. Louis.

The President. The Convention having taken the matter out of the jurisdiction of the Chair, I will again submit the question to the Convention, whether the gentleman shall have leave to proceed.

The question was put and negatived.

Mr. Henderson. I now move that the gentleman have leave to publish his speech in the proceedings of the Convention.

The motion was agreed to.

Mr. Smith. (When his name was called.) In explanation of my vote, I wish to say this, that a proposition of the importance of the one now submitted should not be treated in this way. I therefore vote no.

Mr. Stewart. Can I read my report as Chairman of the Committee on Military Affairs? (Laughter.)

The remainder of Mr. Long's speech is as follows:

Mr. Long. We cling to the right of self-government; the Abolitionist, it is true, will assert that in this view there is inconsistency; because, *while our laws tolerate individual* emancipation, still they don't give them citizenship; but, then, while slavery exists, the black is a member of a *caste,* and as such cannot rise beyond a privileged condition of serfdom, or, if you please, a limited right of citizenship.

We slaveholders recognize a distinction between the black and the white man, but the Abolitionists do not; when, therefore, the black is emancipated, he still retains his caste, though he has enlarged his privileges; but in the free States, he is a citizen to vote, but not to hold office; he is in law the equal of the white man, and yet, though no caste as such, he is not the equal of his white fellow-citizen, although in those States the reason of the distinction made in slave States has no force.

But, sir, I have wandered from the line of argument I had prescribed to myself; I said in the outset that I would, for the purposes of this discussion, concede the intrinsic policy of the measure; but in the times and circumstances under which we live, the mournful consequences of our neglect of the sage examples embodied in Washington's farewell address, we have most excellent reasons *not* to pursue this measure.

When this war commenced I boldly took my position as an *unconditional Union man;* to that position I, to-day, most tenaciously adhere; I am not a Unionist on the condition of the terms dictated by the South—"the extension of slave territory, re-opening of the slave trade, and the right of secession;" nor, on the other hand, like those Northern Abolitionists, who believe the Constitution to be a "league with Hell," and who will sustain the Union and the Constitution *only* upon the condition that slavery shall be blotted out in our country. I am for the Constitution as our forefathers framed it, without a *t* crossed or an *i* dotted—just as they framed it for us—to *it* I unconditionally pledge my fealty; though, in the course of human events, that under its benign influence all the States may become free or all become slave, still I will cling to it and the glorious old Union, its synonym.

Washington, in his farewell address, told us: "It is of infinite moment that you should properly estimate the immense value of your national Union; you should cherish a cordial attachment to it; accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned, and indignantly frowning upon the first dawning of any attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

Sir, who can turn to our political history of the past few years, and not see how by the fury and fanaticism of the Northern Abolitionists—the South—the impulsive South—has been lashed into frenzy, under the influence of artful Southern leaders, and her designing political demagogues. The attempt to alienate, to enfeeble the sacred ties which bind together the various parts, I honestly believe had its origin in the *Northern pulpits;* the people became converts to the fanatical doctrines—their representatives in Congress were of the same stamp, and soon the result became apparent; the Websters, the Clays, the Bentons, the Crittendens—those lingering relics of a race of mental giants, who had for nearly half a century upheld the noble fabric of our good Government—saw themselves supplanted in the popular mind by the Davises, the Floyds, the Lovejoys, the Sumners—the political pigmies, who, *to rule would ruin.*

For several years we have had, I like to have said, two nations on the floors of Congress—the North and South—and dull was the vision of him who could not see it must soon culminate in an attempt at separation and bloodshed. That fearful hour came, and when it did come I was an unconditional Unionist; but as some would have it, (who never possessed an idea beyond the set and hackneyed phrases of their secession vocabulary,) a "submissionist," "coercionist," "abolitionist." I saw that the South had been irritated, it is true; but I saw no justification for secession; still less do I now see any good to result from their wild speculations of a separation.

If the ties of common brotherhood, if the flag of a common nationality, could not bind us together and protect the South, how much more forlorn her position, when the embittered feud of a civil war should have rent them, and the Abolitionists, without a constitutional restraint, were knocking at the very doors of the slave States! In that hour I felt more than ever the importance of the Union: and when war broke out, my cry was then, as it is now—*the maintenance of the Government—its preservation at all hazards—it must be asserted by force.* But that was to be a *constitutional war—not a* NIGGER WAR. And though, in its short existence, the Constitution may have been violated, as charged, I give to the President an honest intention, that, with no love of absolute power, no desire of self-aggrandizement, and no wish to build a throne upon the liberties of his country,—the infractions of the Constitution in his heart he has regretted as much as any patriot in the land, and has acceded to them only in the belief that for nations as for individuals, "*necessity knows no law,*" or, to quote the motto of our own State, "the safety of the people is *the supreme law.*" I believe he was guided by an honest heart.

I did not vote for President Lincoln; but when I know that he was constitutionally elected, and that he administers the affairs of the Government with an eye singly to her safety and prosperity, I believe all good and law-abiding citizens of the United States should aid and support him. Now, sir, taking these views of the subject, what can be more inopportune, or more ill-advised, than the agitation of the subject of this ordinance? Why stir up the old feud of dissatisfaction and discontent?

How many thousands in the South there are who have taken up arms simply in the belief that they could no longer safely remain under the protecting shield of our Government? How many have been spurred on to arm themselves against us by the argument that the preponderance of free States would soon enable them to change the Constitution so as to permit Congressional interference with slavery in the States. And I submit if the passage of this ordinance does not add *fuel to the fire;* for, if all the border States are to be made free, the required numerical constitutional majority would at once be secured; what interest, then, has the South to return? What value would her plantations possess if left to the thrift and industry of freed negroes? If the North—and by the North I mean the abolition portion of the country—be so hostile in her regard that it chafes under every constitutional restraint in its eagerness to ruin the South, what would be the measure of misery if the North were complete masters of the re-construction?

These questions, sir, are earnestly asked for myself and those like me, who, even at this late day, hope for the restoration of the Union.

When I look out upon the terrible condition of our unhappy country, and see a million of brothers arrayed in arms, and think of the numbers that have already been slain, the thousands of wounded, languishing and dying, their mothers, widows and orphans left a prey to sorrow and want, my heart would fail me, but for the confidence that God, who has so signally protected our destinies, holds even nations in the palm of his hand. But I would do naught to aggravate the difficulties of the hour. I am in favor of prosecuting the war vigorously, until the enemies of their country shall lay down their arms, until the last rebel is driven to the wall. Not that it be waged in a spirit of subjugation, but for constitutional purposes—the restoration of the Union as it was before the breaking out of the most gigantic rebellion of ancient and modern times. I am the reverse of that Senator, who, but a fortnight ago, indignant at the President's change in Gen. Hunter's pronunciamento, would withhold supplies until he could know the purposes of the war; *he* appreciated it as a "negro war;" he would wage it with only one purpose—the extinction of slavery.

Sir, the patriotism of such men is of but little value; their acts need only be mentioned to be despised; he is one of the same class who swore to support the Constitution of the United States, and then declared in his place in Congress that "it was a league with Hell." But, sir, I think it would be more creditable in us to more bountifully feed our toiling soldiers, give all possible relief to the wounded, contribute to the mourning widow and her helpless orphans, than to follow in the wake of Abolition members of Congress, spending our time and the people's money upon the everlasting and damnable *negro question.* I have no allusion to Missouri Senators or Representatives. It was a wily act of the Abolitionists before the election to consent to the separation of the South—to oppose coercion, and war even, for the reintegration of the Union; that the South might take the terrible leap, in the belief that it would do so unmolested. They hoped that in the civil war to follow would come the long-desired opportunity of achieving the ruin of the South. They raised men and means for the prosecution of the war, and while I rallied to the call of the President, I was not misled as to the motives of the Abolitionists. Thus far they have been foiled; the President has firmly met them—first, by the resolution of aid to the State—it was but a tub to the whale, for it wrung from them the admission of the constitutional rights of the slave over the subject. If, then, this war be one for the Constitution and the Union, should not party politics be set aside and every test excluded other than that of loyalty?

What need is there of haste in this matter of emancipation? What reason exists that at this particular moment the measure must be thrust forward to divide and distract the friends of the Union? Why at this solemn moment of the nation's crisis are party measures to be invoked to weaken, perhaps to destroy? Let us but open the door to this piece of mischief, and others of a more ruinous character will slip in before you can shut it.

The Abolitionists in Congress remind me of the heartless, soulless contractor who was immortalized only by the eloquence of Patrick Henry, whose cry was Beef! Beef!! Beef!!! when his country was most cruelly exercised; and so those Congress *fanatics* of one idea, in the darkest hour of our country's distress, think politics of more value than patriotism; and for the opportunity of fomenting fanaticism would forever blight the fairest land beneath the sun. Our fields are lying waste for laborers—homes of plenty and peace are households of mourning:

> "Where peace and smiling plenty reigned,
> Bleak wastes and dreary ruins now are seen."

And at this moment, as if to drive our people to the frenzy of desperation, my friend here proposes this measure.

Are our loyal people to be robbed of their slaves? or are they to be paid for them? If paid by Congress in the munificence of the late act concerning the District of Columbia, we can see what awaits us; if by the State, in our desolate homesteads and shattered public credit, we can *count the pay*; in either case, don't let us enhance our misery by an inundation of lazy and worthless free negroes, who would only eat out our substance.

Sir, I am a slaveholder myself, and will give my few darkies up to-morrow, *without a penny*, if my neighbors will do so too; and provided you shall have a home for them outside of Missouri; but what provision have the friends of this measure made for the emancipated negroes? We should never catch up our hogs to fatten until the *pen* is made to receive them. Is it claimed that Missouri negroes will be better off free than as slaves? Well, where will they go? Not to Illinois, Indiana, Ohio, or the northeastern States, for they have laws prohibiting their introduction there. The *slaves*, whilst *running away from their masters*, may be concealed for a time, or assisted in their flight to happy Canada; but if *manumitted* or *freed* by any process of law, they must go somewhere else.

But, sir, the fact of my owning a few slaves, and that my individual rights are about to be infringed, does not rule my actions here. I am not legislating for myself, but for those who sent me; and their rights, under my oath, I hold sacred.

Sir, these remarks may win for me the title of a secessionist (I hope not—I would as soon be called an abolitionist) from some of those who so flippantly appreciate true patriotism; they prefer party to their country. Such men may attack me, and may blame me that I have had no words of censure for the rebels, nor praise for the noble heroes whose courage on the battle-field protects our flag.

Sir, it is no time for buncombe speeches—our soldiers will take care of the enemies in the field; let us attend to those nearer home; and when we watch these we render to our brave soldiers a pre-eminent service, for they have not enlisted in this war to *peril life for the negro*, but for the *Constitution*; and we lighten their work, simplify the difficulties in their path—at the same time encourage them by the thought that their country is as true to them as they have been true to it.

If gradual emancipation be intended, then there is no hurry, not even the shadow of an excuse for its agitation now. Wait till the hoped-for day of peace returns; wait till the glorious sun of liberty, breaking through the dark clouds which now veil from us the glorious future, shall shed new lustre on every star of our constellation, and we are regenerated by the trial; wait till we resume our place in the family of nations as the model Republic; yes, sir, wait till the gloomy clouds now hovering over the South open, and the angel of liberty descends, drops upon a McClellan's or a Halleck's brow the wreath of *final* victory, and stamps *again* on American Freedom "the seal of Omnipotence."

Mr. Hall of Randolph. I move to reconsider the motion to lay on the table, and move to lay that motion on the table.

The motion was agreed to.

MILITARY REPORT.

Mr. Stewart. I desire to present a report from the Military Committee.

Mr. Hall of Randolph. I object, as it is not a report of the Military Committee. That committee has not been consulted.

Mr. Stewart. I say it is. I make the report as chairman of the Committee on Military Affairs. You can make your report at Washington.

The Secretary then read the report, as follows:

"In all governmental affairs, wherein our nationality is involved, the State Government is subordinate to the Government of the United States. Therefore the exercise of all governmental functions, whether civil or military, must be exercised with reference to the Supreme authority of the Federal Government.

"Be we citizens of whatever State we may, we are known to other nations only as citizens of the United States of America. The native of another country transfers his allegiance to the Government of the United States, although, in a subordinate sense, he must also be a citizen of some State, and in his future life he looks to the national and not to a State flag for protection. Divested of a national government our condition would be that of political orphans, without nationality or national protection. The people of a State in seeking to cast off their allegiance to the Federal Government, attempt to sever their most important and paramount governmental relation, and they are thereby guilty of the highest political offence known to the civilized world. For this crime the loyal citizens of this State, in the exercise of their original sovereignty, within State jurisdiction, deprived of their offices men whom they had previously elected to places of trust. And only while this body of delegates continued to exhibit in their official capacity a spirit of loyalty will the people tolerate their official acts, or if they have not the physical power to enforce obedience to Federal authority, such obedience will be enforced by the Government of the United States.

"The present civil strife in Missouri is an incident only in a grand scheme of rebellion against the authority of the United States, whose duty it is, with the help of the loyal citizens of this State, to suppress it everywhere. The State of Missouri is not in a condition, financially, to sustain a military force, and a distinctive military organization for service in subduing the rebellion can be desirable only because our citizens would prefer to serve in the protection of their own homes—their support by the Federal Government being both a necessity and its duty. It is believed that any additional force, organized under the law ordained by this body, is unnecessary and undesirable; that if any further enlistments are required of this State, except to keeep the ranks of regiments already organized full, they ought to be made in conformity with the laws of Congress; that the people of Missouri ought, with alacrity, to cast their lot and make a common cause with *all* who are laboring to sustain the authority of the Federal Government, relying upon that Government, in common with others, for defence and protection.

"It is believed further, that all other interests should yield to the one grand desideratum of re-establishing the authority and enforcing the laws of the United States throughout its entire rightful domain; that the special interests for the better security of which the rebellion was professedly inaugurated, cannot be more seriously damaged by measures necessary for its suppression than it has been by its direct influence, and should take its chances with others. That having become under the operations of the rebellion a minor and comparatively insignificant interest in our State, its extinction should be cheerfully acquiesced in, if that be the readiest way of restoring order and quiet. The whole people should not long submit to all the perils of civil war to gratify a few, especially when that few are themselves being injured and even ruined by their own wicked policy.

"In view of all the facts, it is believed that no change of military laws of this State is needed; that the power of the Federal Government is adequate to the task if there be necessity for additional military forces to quiet the civil discord in our midst, and should be relied on; that the Convention need only to make provision for the maintenance of the civil government, with due regard to the paramount allegiance which every citizen owes to the government, and a proper representation in the Congress of the United States, and that laws enacted for this purpose should exclude from the ballot-box and all official positions all of whose enmity to the Federal Government there is sufficient proof; that this is the only work which the public exigencies demand of this body. All men, native-born or naturalized, have equal rights.

R. M. STEWART, *Chairman*."

MR. MCFERRAN. I move to refer that report to the Military Committee.

The motion was agreed to.

A QUESTION OF PRIVILEGE.

MR. BIRCH. If there is nothing before the committee of a legislative nature, I wish to ask the privilege of the committee to make a few remarks.

MR. HALL of Randolph. I suggest to the gentleman that the President, the gentleman from Pike, (Mr Henderson,) and myself, expect to leave to-morrow. There are several special orders now pending, and we would like very much to dispose of such business as can be disposed of to-day. If it would suit the gentleman as well to postpone his question of privilege for a time it would be very acceptable. I do not object, however.

MR. BIRCH. I will simply state that I have prepared my manuscript, and the reading of it will not occupy more than fifteen or twenty minutes.

No further objection was made.

MR. BIRCH. I rise, Mr. President, simply to a question of privilege. The notoriety of the reasons which detained me from my seat in this body until yesterday evening render it *necessary*, perhaps, that I should submit a few remarks, in virtue of my relation and duty as a member, and as constituting the only commentary which I shall probably deem necessary, whether here or elsewhere, in respect to my arrest and detention during the past week.

As I shall not *abuse* that privilege, and as my health, withal, (my mere *mental* tone, perhaps, seems,) somehow strangely different to what I have *felt it to be in the past*, my remarks will be comparatively brief, but I trust to the point. Having within the last week realized more of what may be denominated the undiscriminating blindness of ambitious or of civil war than I had ever been able to bring home to myself from merely *reading* of its incidents, I am by no means certain that what I shall say in connexion with that experience will be as interesting to others as it has been unpleasant to myself, or that I shall be able to so present it as to avoid even legitimate criticism. I but repeat, therefore, that I shall at least be brief, and pray indulgence accordingly.

I have not condescended elsewhere to *argue* the question of my "loyalty," nor is it necessary here. My association with you has been at least ingenuous and unreserved—your records and *my* records are public property and public testimony—and I have stood since I last parted with you, albeit a prisoner alternatively to the military authorities of antagonistic armies, precisely as I stood with you during three sessions of our high legislative association. *Nothing more, and nothing less.* I have uttered nothing in my public addresses before the people—nothing in the presence of my captors on either side—which has not its counterpart in my utterances and my conduct here. That is, of course, enough to say in respect to my "loyalty," and I am simply thankful that I have been strengthened to properly manifest and maintain it under the circumstances to which I need not more specifically advert. Whilst I have felt that the respectful consideration which was shown to me during the period in which I was the compulsory guest of the Confederate authorities in no respect abated my veneration for "the Union as it *was*," so, on the other hand, the similar respectful consideration which has been shown me by the misguided authorities of my own Government has in no respect abated my devotion to "my State as it is." Upon these cardinal propositions, therefore, I stand to-day as I stand upon all your records.

Of the manner of my discharge, it is, perhaps, sufficient to state that after having sent to Ironton and elsewhere for witnesses against me, and having, up to Thursday last, examined those who made their appearance, a messenger brought to my hotel, that afternoon, this letter:

OFFICE OF PROVOST MARSHAL GENERAL,
DEPARTMENT OF THE MISSISSIPPI,
ST. LOUIS, June 5, 1862.

JAMES H. BIRCH, Esq.,
Everett House, St. Louis.

SIR: You are hereby discharged from your parole to report at this office, feeling every assurance that if the evidence not yet heard by me should seem to me to require any further investigation of the cause of your arrest, and make it desirable on my part to have your personal attendance here, a communication can reach you, and that you will attend without delay. I am, very respectfully,

Your obedient servant,
BERNARD G. FARRAR,
P. M. General.

Of course, Mr. President, no sufficient reasons were found to exist for detaining me, so that I may, without immodesty, congratulate myself and my State that the great constitutional guarantee of "FREE SPEECH" has suffered neither abuse nor *detriment* in the keeping of a citizen aspiring to its first magistracy. May others, therefore, be encouraged to use the inestimable privilege thus vindicated and conceded, until the people of every county shall be organized, in the coming canvass, in opposition to those *alone* who have forced upon the country a new and exasperating issue, and who affect to regard every man as disloyal whose purposes cannot be moulded to suit *their* purposes! Who *are* these people, Mr. President? I cannot better answer my own question than by calling the attention of the Convention and of the country to the *estimate* of "loyalty" and "*dis*loyalty," as put forth in writing by the commandant of the post who placed me "under military arrest," and in obedience to whose order I have been reporting myself with respectful yet sorrowing indignation, upon the daily requisition of the Marshal, until at length discharged, as already denoted. (It will be noted that that discharge is unconditional—all *else* depending upon a reciprocal comity, of which the Marshal was not mistaken in assuming I entertain the proper appreciation. It is, moreover, but just to that officer and to myself to add that no *suggestion* even has been made to me in respect either to the manner or the matter of what I may have to say in the future, whether here or elsewhere; so that I stand to-day, as I have ever stood, as free to speak *my* thoughts as others are to speak *their* thoughts. Had it been otherwise, Mr. President, our association "from early manhood to advancing age" will justify me in appealing to you as at once a witness and a judge, that I would have foreborne to speak at all. I might, indeed, upon this occasion have read from Scott, what I recur to and repeat from memory—perchance inaccurately as regards the very *words*, but with all the emphasis wherewith he has invested his "Last Minstrel"—who

> —— "Fell, but the foeman's chain
> Could not bring his proud soul under.
> The harp that he loved ne'er spoke again,
> For he tore its chords asunder:
> And said, no bonds shall sully thee,
> Thou shrine of truth and bravery;
> *Your voice was tuned for the great and free,*
> *It shall never sound in* SLAVERY."

But to recur to the inquiry, who *are* these people? A letter written by Col. Boyd to a friend in St. Louis, and which that friend most opportunely for my purposes in this inquiry incorporated in a communication, recommending him for Lieutenant Governor, in the Democrat of Wednesday last, concludes as follows:

"I am in favor of emancipating the slaves of *this State without a condition precedent, as it* will take too long to make any arrangements for the disposition to be made. The position of master and slave will not be so altered as to become obnoxious and oppressive.

"I am in favor of the shortest road to emancipation, and the squelching out of the rebellion.

"I am in favor of emancipation in this State as a military necessity, and as the only perfect peace measure.

"I am opposed to the continuance of slavery in this State, because nobody but rebels favor it, and because it is dangerous and destructive to the best interest of every Missourian.

"I have been very busy this morning, and will write you more at length some other time.

"I am, &c., S. H. BOYD."

In the estimation of this "busy" writer, Mr. President, I am, of *course*, disloyal, and so, doubtless, in the estimation of those at other places where I have spoken, and who, thereupon, it would seem, addressed letters to him that I was "*bidding for secession votes*"—preparing, thereby, the materials and the inducements for my arrest at Rolla. I *am* in favor of "the continuance of slavery in this State," as I have ever been; but I protest, Mr. President, that so far from ever *dreaming* that in an argument to that point I was "giving aid to the *enemy*," I was simply endeavoring to persuade "the enemy" to aid *me*. Whether, for that I am to be regarded as liable, in the future, to military *arrest*, it shall not, at least, go into history against me that I not only bid for *Abolition* votes of the most radical character, but that I did so, as the man who *arrested* me has done, in the most unscrupulous and brazen disregard of the constitutional guaranties of the constitutions which I have so often sworn to support. Being in favor of "the continuance of slavery in this State," this military popinjay not only writes me down a "rebel," but actually *arrests* me for disloyalty; whilst cotemporaneously with an outrage which has aroused the whole people to the inquiry, "*Whither are we drifting?*" men of the same class put him forward to preside over the Senate of *Missouri* as the second man in the State! Mr. President, I will not dignify such a letter with further criticism than to express the charitable conclusion that its author has always been too "busy" with mere political *intrigues* to extend his political reading to such dry authority as that of the Constitution of his State, or the United States; for surely had he done so, even *he* would *not* have stultified himself by *such* a bid for political advancement. (A friend sitting near me suggests that he belongs to the party with "an anti-slavery constitution, an anti-slavery bible, and an anti-slavery God.") Be it so. I only care to state, however, that he proposes that *constitutions* shall stand no more in the way of *his* purposes to abolitionize the State, than truth and honor stood in his way when ordering me into the custody of his Marshal. I shall, of course, endeavor, as far as possible, to keep out of his way during the rest of my canvass, and trust that before he *fully* "ripens" for Lieut. Governor, he will at least have discerned the difference between the dignity of an intelligent and self-respecting *soldier*, and the flippant *upstartery* which but too often disgraces a soldier's *sword*. And I advise the fifty-two members of this Convention, who have just voted against even *constitutional* "emancipation" to keep similarly out of the way of his *Lieutenant Governorship*, for he will be furious when he sees *that* vote.

I ought not, perhaps, to omit in this connexion, the *excuses* of his St. Louis organ, for even the Democrat seems to have considered it necessary to work up some kind of an excuse for its "*nominee*," whilst at the same time adroitly essaying to prejudice *me*. What it says about the weakness of the garrison at Rolla, and of the woods being full of guerrillas, may or may *not* be true, without touching in any sense the unsoldierly indignity to which he was pleased to subject a civil and an unarmed civilian. If the post was too weak for the "guerrillas," and it was not his own fault, it was at least not mine, for they received from me no other recognition than the energy and emphasis of an explicit and an exterminating denunciation. Yet the paragraph is so worded as to incline many to believe that the alleged guerrillas and myself were working in *concert*. And, in consequence of the fulminations of this paper and its correspondents, there are men, even in the *Missouri* regiment, who are said to be becoming my enemies, instead of continuing to be my friends, as I have ever been theirs. Enough of this, however, until "by and by."

What was said in the Republican the morning after my arrest, in respect to the allusion in my speech to the expenses of the war, was, if I correctly remember, substantially true in *fact*. But in that case, also, the informant of the paper was misinformed himself, or purposely *left out* the great governing fact that I brought forward the present and prospective expenses of the *war* (not in this *State*, but its *aggregate* expenses) as an *argument*, merely, against the President's scheme of compensated *emancipation*. It all centres, therefore, in my opposition to this ill-timed, however well intended, proposition; and upon it I will make but a few additional and closing remarks, rendered the more pertinent by the introduction of the ordinance to which we have just listened, and which has so appropriately been "pinned to the table."

Whilst under arrest in St. Louis, some friend who was sagacious enough to see through the whole thing at a glance, enclosed me, through the city post office, a couple of letters, written from Washington, by Colonel Benton, after the illustrious old Senator had discovered that the Abolitionists who are now trying to make political merchandise of the patriotic yearnings of the people for the restoration of "the *Union*," had made merchandise of *him* in the gubernatorial canvass of the preceding August. Of course the Colonel knew these political charlatans better than I did, or perhaps even now do; and if *he* called them "the same as *abolitionists*," let them clear themselves of *his* denunciations—for they are *his*, not mine. I speak not, of course, of the upright men who merely differ with me in respect to the economy or the policy of slavery, for with them, at a proper time, it is known I am not only willing to *argue* it out, but to *vote* it out—abiding the constitutional decision of my State, as every true man should do. I speak, therefore of the class of whom the "Senator of thirty years" was speaking, when he wrote home as follows:

"WASHINGTON, February 23, 1857.

"I saw with amazement the *Abolition* move in our Assembly, and wrote immediately to Price, Lusk, and others, at Jefferson City, to *condemn* and *repudiate* it. They *ought to have cut themselves loose from me* before they began a new slavery agitation in the State, contrary to my established policy. They ought to have made known their intentions before the election, that I might not have been DECEIVED by them.

"Many friends told me that these persons would turn out for Abolition in the State as soon as the election was over; but I could not believe in such a thing. To add a State slavery agitation to the national agitation, at the very moment when we were opposing the national agitation, was an incredible thing.

"For the persons calling themselves *my friends* to attack the whole policy of my life, *which was to keep slavery agitation out of the State*, and get *my* support in the canvass by keeping me ignorant of what they intended to do, is the GREATEST OUTRAGE *I have ever experienced*. Those who have done it, have never communicated ONE WORD to me in justification or explanation of their conduct, for it is something they can *neither explain nor justify*. They know that it was I who introduced *the clause against legislative emancipation* into the Constitution, in order to keep the slavery agitation out of the State, and that my whole life has been opposed to the agitation of the subject.

THOMAS H. BENTON."

In another letter to a friend, dated February 24, 1857, he writes as follows:

"I wish you to get the St. Louis Democrat—change its name and character—for no useful paper can now ever be made out of it. I will be in St. Louis in April, and assist you. The paper is given up to the slavery subject, agitating State emancipation against my established and known policy. Having got the clause against legislative emancipation on purpose to prevent politicians from agitating the question and disturbing the country with it, I wrote to friends at Jefferson, condemning the movement as soon as I saw it made, and I wish you would republish, from my Jefferson City speech of 1849, the passage in which I took credit to myself for that clause in the Constitution, and deprecated agitation. They ought to have told me before the election what they intended to do; if they had, *I should not have supported the ticket.*

They had no right to make me, by concealing that fact, a supporter of an emancipation ticket, (the same in effect as abolition,) against the known policy of my life, and it will produce a complete separation between us."

With such a text as this, Mr. President, I could of course elaborate "a discourse" which would be anything but complimentary or edifying to those by whom I have been so malignantly assailed; but as it would be dissonant with fairness to weave a political argument upon a mere question of *privilege*, I forbear at this time the amplification to which I would be otherwise so strongly tempted. It is trusted I have said enough to denote and fix the grounds upon which (and upon which *alone*) my "loyalty" has been so calumniously impugned; and that it was not disloyalty to the *Union*, but loyalty to my State as *well* as "the Union," which caused my arrest by a political antagonist, and my consequent detention from my duties here. Some friends refer the whole matter to a still wider preconcert than I have felt justified in assuming from what I *know;* and as I will not speak beyond the RECORD, I of course decline more *specific* cognizance of any other parties for the present. If the expectation has been anywhere entertained that the treatment to which I have been subjected would so far overawe the people who "constitute the State," as to lower their demands in respect to the qualities of citizenship and magistracy, and of legislation, which should be most honored amongst us in the future, its contrivers may live to realize that their experiment was at least a *failure*, which is all that I desire to say at present, except to point to the vote of yesterday evening, (the first upon which I have had the opportunity to record my name,) as denoting the feeling in which I am happy to meet a majority of my colleagues of this Convention.

With this brief explanation, therefore, I am of course content that the conduct of my accusers, as well as my own, shall go before the country, to be judged of and passed upon by the people of our State. I will hence but read, in conclusion, the resolutions which I had the honor to report from the minority of the Committee on State Relations, toward the close of our first session, and which, it is deferentially submitted, might most appropriately be taken up and acted upon at the present session. Whether this be done or not, however, the reproduction of these resolutions will vindicate at least the *consistency* of my Unionism—for I have said no more of late in opposition to the possibly portented *military* "invasion" or subversion of the "constitutional *right*" therein referred to than is at least *distinctly* foreshadowed in the third resolution itself. I do not believe the contingency will ever arise. My daily orisons shall continue to ascend to Heaven that it never may. I implore the President that he may *never* so far lose sight of the mendacious malignity of Abolitionism as to yield himself to influences which may render my resolution the *practical*, as no man can doubt it is the *theoretical*, voice of my STATE; and I think he should be still further premonished by this Convention that even the loyalty of *Missouri* is bounded by the "constitutional *rights*" of Missouri, of which "the possession of slave property" is *one*, and to be dealt with *by our own people* ALONE. The resolutions:

Resolved, That whilst denying the legal right of a State to secede from the Union, (as assumed in the communication which has been made to this State by the Commissioner from the State of Georgia,) we recognize in lieu thereof the right of revolution, should sufficient reason arise therefor.

2. That whilst, in common with the State of Georgia, we deplore and reprobate the sectional disregard of duty and fraternity so forcibly presented by her Commissioner, we are, nevertheless, undespairing of future justice; nor *will* we despair until our complaints shall have been specifically and unavailingly submitted to the Northern PEOPLE.

3. That we concur with the Commissioner of the State of Georgia, that the possession of slave property is a constitutional right, and as such ought to continue to be recognized by the Federal Government; that, if it shall invade or impair that right, the slaveholding States should be found united in its defence; and that in such events as may legitimately follow, this State will share the dangers and the destiny of her sister slave States.

4. That, relying upon the restoration of fraternal relations on the basis of adjustment thus and otherwise denoted in the action of this Convention, the President is requested to communicate to each of the seceded States a copy of its resolves, and to invoke for them the same earnest and respectful consideration in which they are submitted, and which restrains this Convention from any further criticism upon the mode or manner, the motives or the sufficiency for the action of the seceding States, than to add that it has elicited our unfeigned regrets.

Thanking the Convention for the sustaining courtesy and attention with which I have been listened to, I will not further trespass upon it than to repeat that I stand upon my record in the *past*, as denoting my well considered purposes for the *future*. A Union man from the beginning, whilst I shall continue so to the end, I shall, nevertheless, too well remember the maxims of my political fathers to ever regard my State as "a dependency," as the monomaniac itinerant does who replied to me at Rolla. I shall, on the contrary, continue to cherish the lofty teachings of the transition era of '98, as confirmed to me by all subsequent reflection, that whilst "the *Rights* of the States and the *Union* of the States must stand or fall together," they can both be best preserved by resisting aggressions upon them *within* the Union than by going *out* of the Union. It is in this sense, Mr. President, but in this only, that I am, as I have ever been, an "unconditional Union man," at the same time that I am an unconditional "State Rights man"—the two terms, in the vocabulary of my political education, being not only convertible, but destined, as already denoted, to "STAND OR FALL TOGETHER."

MISCELLANEOUS.

Mr. **McClurg** presented a report from the Committee on the Militia.

Mr. **Henderson** presented the memorial of Philander Drake, praying to be reimbursed for services in organizing the State militia. Referred to a special committee.

Mr. **McFerran**, from the Committee on Elections, presented a revised report, which was ordered to be printed.

DISTRICTING THE STATE.

The bill dividing the State into nine Congressional Districts was taken up.

The first, second, third, and fourth sections were read and agreed to.

Mr. **Welch** offered an amendment to the fifth section, as follows: "That Moniteau, Cole, Morgan, and Miller counties be taken from the fifth district and added to the sixth." He said: The districts, as laid off in that report, embrace counties lying on both sides of the river. The districts can be formed equally as well by having the counties all on one side of the river, and that is what my amendment proposes.

Mr. **Phillips**. The gentleman from Johnson (Mr. Welch) will find, upon a further examination, that it will be an utter impossibility to make nine districts in the State of Missouri without crossing the river, either west or east. The only question is, whether you will cross the river at St. Charles, Independence, or Kansas City. The committee, after investigating the matter thoroughly, decided to cross the river at Independence.

Mr. **Moss**. In addition to what has been said by the gentleman from Pettis, (Mr. Phillips,) I will state that, as far as the objection in reference to crossing the river is concerned, I agree with him, but the Convention has already determined the matter. We cannot cross the river at St. Charles, because the Convention have settled on the districts there. Unless you go back and undo what you have done in reference to other districts, the river must be crossed where these districts are laid out.

The amendment was lost, and the fifth and sixth sections were adopted.

Mr. **Smith**, of Linn, offered an amendment to the seventh section, to strike out Linn and add it to the eighth section.

The amendment was agreed to, and the sections adopted and the bill passed.

Mr. **Welch**. I move to pass over the bill, and make it the special order ——

The **President**. The bill has passed.

Mr. **Welch**. I understand that whenever an ordinance is adopted by sections, it must then be adopted as a whole. You announced that it would be so ordered, unless objections were made; and before you announced that the motion was carried, I arose.

The **President**. I will state that the ordinance has passed; but the gentleman can appeal if he desires.

Mr. **Welch**. I desire to record my vote on the passage of the ordinance. I did not desire to call the ayes and noes on the adoption of every section; I desire to record my name on the final vote.

QUALIFICATIONS OF VOTERS.

Mr. **McFerran**. I move to take up the "Ordinance defining the Qualifications of Voters."

Mr. **Ray**. I move that it be made the special order for 2 o'clock.

The motion was agreed to.

AUTHORIZING THE GOVERNOR TO FILL VACANCIES.

Mr. **Hall** of Buchanan. I move that the bill reported by the Committee on Constitution be taken up.

The **President**. It will be to-morrow.

The bill was read.

Mr. Hall. I wish to say a word or two in explanation of that. The sixth section of our ordinance provides that all civil officers shall, in a certain time, take the oath prescribed in our ordinance, and that failing to do that, they should be removed from office. The seventh section provides that all county officers shall be allowed twenty days after the county clerk takes his oath to file their oaths. In many of the counties where the offices are all in the hands of secessionists, the county clerk would fail to take his oath, and the county court refuse to appoint any county clerk, and hence under that section no appointment could be made. It becomes absolutely necessary, therefore, that the Governor should make appointments without reference to the seventh section, and the effect of this ordinance is to legalize the appointments the Governor was compelled to make.

Mr. Welch. I was not in the committee when this ordinance was prepared. I glanced at it a day or two ago, but have not thought of it since. It occurred to me there should be an additional section with reference to the Board of Public Schools and Public Works.

Mr. Hall of Buchanan. Well, the Governor has not filled those places and does not propose it.

The bill was then passed.

REPEALING CERTAIN ORDINANCES.

Mr. McFerran. I move to take up "An ordinance repealing certain ordinances submitting the action of this Convention to the people of Missouri, and *for other purposes.*"

The bill was taken up, and the yeas and nays demanded on its passage.

Mr. Comingo. I presume there are several gentlemen in this hall who do not know the extent to which that goes. I believe it does not apply to all ordinances, but to one particular ordinance.

Mr. Welch. I do not know the extent of the ordinances which this proposes to repeal, and I would like some gentleman to explain.

Mr. McFerran. The ordinance passed at the July session submitted the action of the Convention to the people. When we met in October we modified it so as to continue the submission to the next general election. It is these ordinances that this ordinance proposes to repeal.

Mr. Welch. Do I understand from the chairman of the committee that that is the only ordinance to be repealed? If so, I will withdraw the call for the yeas and nays.

The bill was then passed.

MISCELLANEOUS.

Mr. Phillips presented an invitation from Mr. Miller, the Warden of the Penitentiary, requesting the members of the Convention to visit the institution at their convenience. He moved that for this purpose the Convention adjourn until nine o'clock Monday morning.

The President. The motion is not in order.

The Convention then, on motion, adjourned until 2 P. M.

AFTERNOON SESSION.

The Convention met at 2 P. M.

QUALIFICATIONS OF VOTERS.

The bill defining the qualifications of voters was taken up.

Mr. McFerran. I move to strike out the second section of the ordinance.

The motion was agreed to.

Mr. McFerran. I propose to offer an amendment to strike out the third section and insert the following in lieu thereof:

"Sec. 3. Every person who shall be elected or appointed to any civil office shall, at least five days before such election, take and subscribe to an oath to declare that he has not during the present rebellion taken up arms or levied war against the Government of the United States or the State of Missouri, or given aid or comfort to the opposers thereof; and that he will support, protect and defend the Constitution of the United States and of the State of Missouri against all enemies, whether domestic or foreign, any ordinance of any Legislature, or any commander's orders, to the contrary notwithstanding; and that he does this with the honest purpose faithfully to perform the same, without any mental reservation whatever, and that he will demean himself in office according to law."

The precise point presented by the amendment is this. The ordinance, as reported by the majority of the committee, with whom I do not agree upon this point, provides that officers after they have been appointed or elected shall take this oath. The amendment proposes that they shall do it at least five days before the *election.* Therefore, the precise point of difference between the amendment as proposed and the ordinance as reported is, whether the oath shall be administered to the candidate before the election, or whether he shall be allowed to take the oath after the election. I presume, sir, that it is sufficient to state the point. However, I will make one suggestion, which leads my mind to the conclusion that the amendment ought to be adopted. I think it is unfair to the loyal candidate to leave the field free to a man who may be disloyal or an enemy to the Government, and permit him to go before the country and consolidate a party influence in his favor. If he is defeated, he is not bound to the Government at all. He stands precisely the same as if he had not been a candidate, and even after he is elected he may refuse to take the oath. I do not think it is wise or proper legislation for the onvention to allow a man to be a candidate who may be the greatest enemy the Government has, and put him in a position which only a man loyal to his government should occupy. Therefore, I think the oath ought to be prescribed for candidates, and that they should be compelled to take it before any person is permitted to vote for them. That amendment further provides that, if they do not take the oath, no vote shall be cast up for them and no certificate of election given to them. These are the reasons that operate in my mind in favor of this amendment. I do not wish to leave this thing open to agitation, and I do not wish to leave it in the power of any disloyal man to electioneer against a loyal man, or to consolidate a faction against him and against the Government, and I think this cannot be done under my amendment. As I stated, I suppose the mere statement of the question will be sufficient, and I do not purpose to discuss it further.

Mr. Vanbuskirk. I would make this suggestion. Every man is required to demean himself faithfully in office before he is elected, and that oath is to be filed in the county clerk's office. Now, I would inquire whether this candidate can be required to demean himself faithfully in office before he is elected to that office.

Mr. Birch. If it be in order, I will offer an amendment to the amendment. I move to amend the third section by striking out the words "that I have not, during the present rebellion, levied war or taken up arms against the Government of the United States." I will simply state, in support of my proposition, that I personally know men who have been in Price's army, who have given aid and comfort according to the technical meaning of these words, and they have returned home with a purpose to defend the Constitution of the United States hereafter; and they are the men we invite to come here and join in the associations of citizenship. Yet that section, as it now stands, excludes them entirely. I am content that hereafter they shall swear not to take up arms or levy war, and this would be in consonance with all the orders of the Military Government of the State.

Mr. Hitchcock. Do I understand the amendment to be, that a man who has been in Price's army and returned home ~~willing~~ to take the oath, can, under this amendment, be Governor, or hold any office in the State?

Mr. Birch. Yes, sir.

Mr. Howell. I move to lay the amendment on the table, with the intention afterwards of calling up the minority report and asking action on it.

Mr. Hitchcock. I would ~~ask~~ the gentleman to withdraw until the motion from the gentleman from Clinton is considered, as that is a test question.

Mr. Howell. Very well; I do not desire to be troublesome.

Mr. Orr. For the benefit of the gentleman from Clinton, who was not here the other day to hear the discussion that was had, I wish to make a few remarks only. During some remarks that I made on that occasion, I was asked why I would not admit the candidate if I would admit the voter. I then replied that an individual might come in at the foot of the class and work his way up, but I was unwilling that he should go to the head at once and hold office. I occupy that position now; and I hope the Convention will not go so far as to say that a traitor may come home and be elected Governor of the State of Missouri. What I have done has been a matter of expediency, in order to induce men to lay down their arms and become good and peaceful citizens; but I hope that no man who has so far disgraced himself as to engage in open rebellion will be allowed to hold office in Missouri for some time yet.

Mr. Moss. I desire to make one remark in connection with that amendment. I am sorry that the gentleman from Clinton was not here during the discussion that took place yesterday and the day before; and in order that he may understand my position clearly, I will state it, so that he may know the objects and purposes I have in view in opposing his amendment. I stated yesterday that I presumed every man in this Convention was in favor of keeping the State under the control of loyal men. The only thing we differ about here is the plan which we will adopt for attaining that end. My plan is to have no election, and to keep the Provisional Government in existence; but that question has not been urged as to whether we will have an election. I was in hopes that would be the first question presented, but it has not been, and I am going to vote on the other proposition before the Convention, and I am endeavoring to get it in a shape that will suit me, provided I shall be overruled in the proposition to have no election. The proposition to have no election is my plan; but if I cannot have my plan, then I want to adopt the next best plan. But, Mr. President, I will say that if the amendment is adopted, the control of the State passes out of the hands of loyal men. If you turn loose the people of Missouri now, to vote at the coming elections without any restrictions upon their voters or candidates, except such as relates to their future action, then the control of the State of Missouri will pass out of the hands of loyal men. I want all voters to vote untrammelled by anything that has happened in the past; but I want every candidate for office to be bound by an oath which will cover his past conduct. In other words, I am in favor of saying to the people, "you can all vote, but you have got to take your choice between loyal men." If we have got to have an election, I want that much restriction. I want to keep the State under the control of loyal men. No man in the State of Missouri ought to claim the right to vote for any other than a loyal man—a man that has been loyal throughout these troubles; but I wish the voters to have the privilege of choosing between loyal men. My plan, as I have said, is to have no election at all. I dislike to see any election with restrictions; but if we are to have an election, then, as a man having at heart the interests of the State and the Union, I must vote for some measure that will retain the control of the State in the hands of loyal men.

Mr. **Ray**. I will send up an amendment which I hope my colleague will accept for his amendment. His amendment proposes to strike out certain words; my amendment proposes to strike out the same words, and to insert others which will make the section prospective instead of retrospective.

Mr. **Birch**. If it is competent, I will accept the amendment of my colleague. I accept it as a comity. I think the remarks of the gentleman from Clay, (Mr. Moss,) in reference to this amendment, are unfair. I have heard it said that it would allow Jackson to come back and be elected Governor. Suppose it does. Does any man here suppose it possible that he would come back? Not a man; and, therefore, *it is an unfair way of meeting an argument by* exciting a prejudice. I say that in mere justice to myself, and that is all the reply I deem necessary to such an insinuation. While the gentleman would make the section so stringent as to prevent Jackson from being Governor, he would at the same time exclude all men who propose to come home and live among us, and be as loyal citizens as you or I. These men were simply mistaken, and under the previous action of this Convention they have returned home, and now we propose to put them in a position where they will feel their degradation. Sir, it is not in keeping with anything we have done, thus far; it is not in keeping with the policy of the General Government or the Provisional Government, and it is not in keeping with the suggestions of good feeling, or (if it would not be an act of discourtesy to say it) good sense. I do not mean that, however, but I use it for want of a better word. Now, the best way in which we can put down the rebellion is to doctor it at this time as little as possible. There are Union men all through the State, and they can see to it that the guerrillas are kept down, and that is all that remains of the rebellion in Missouri. Let us say to those who are at home that they need not go away, and that we are ready to receive them and protect them, but not to subject them for all time to our deliberate legislative frowns. There are two classes in the Southern army—men who have joined under a misimpression, and men who are deliberate traitors. Let the gentlemen who desire, disfranchise all such men as Jackson, and bring his name in for this purpose; but let it not be said that Birch's amendment would allow Jackson to come here and be Governor of the State. Sir, I will not indulge in such a reflection as to suppose that the people of Missouri would elect Jackson under any circumstances. As I remarked, I think the action I propose is in perfect keeping with all we have done heretofore.

Mr. **Howell**. I now move that the minority report on elections be taken up as a substitute for the one before the House.

The **President**. The motion is not in order until the amendment is disposed of.

Mr. **Henderson**. If the proposition made by the gentleman from Clay (Mr. Moss) be correct, that the government of this State will pass into disloyal hands provided this proposition should be adopted, then I desire to say it ought *not* to be adopted. I desired to remark this morning, and I take occasion now to say, that it will not do for the people of Missouri, under any circumstances whatever, to come to the conclusion that any proposition whatever is going to drive them into this rebellion. Now, I am aware that a great many things will occur, and in a short time I feel confident, that if the people of Missouri are disposed to enter into this rebellion, will go very far towards driving them into it. I undertake to say that, unless the rebellion is suppressed in the Southern States very soon, a great many questions will arise to induce the people of this State to engage in rebellion if they are so disposed. I know from my stand-point that measures will be proposed and adopted within the next six months, that, if the people intend to take up arms, they will do it. Now, I say nothing in the world will drive me to take up arms against the Government of the United States. If these persons will continue in rebellion, I do not know that we ought to be willing to enter the rebellion, no matter what course may be pursued by the Government of the United States for its suppression. Gentlemen know of my course—that I have done everything to resist the radicalism of Congress—that I have done it in sincerity and good faith; but I think it is altogether likely that in less than six months from this day propositions will be adopted that members hardly dream of. It was this I desired to say this morning when a majority of this body endeavored to get rid of this question by voting it down without discussion. Sir, we can never get rid of this question by putting it off in this way. I say it is necessary for the people of Missouri to understand and discuss these matters at this time. What is the condition of things in Virginia to-day? It is a fact that my colleagues well know, and that is talked of in the streets of Washington and in the halls of Congress, that there is not a slave in the valley of Virginia to-day—not one single one left in slavery between Yorktown and the Chickahominy—although our armies are under the control of a distinguished Democratic General, who ——

Mr. **Hall** of Randolph. As the gentleman has remarked that this fact is known to his colleagues, possibly he alludes to me. It is not known to me.

Mr. **Henderson**. You say it is not?

Mr. **Hall**. No, sir, it is not.

Mr. **Henderson**. Have you not heard, day after day, that there is not a slave in the valley of the Shenandoah?

Mr. **Hall** of Randolph. I have heard it.

Mr. **Henderson**. A gentleman stated to me that a member of the Senate was so informed on a recent visit home, Mr. Kennedy of Maryland, one of the best members of the Senate.

Mr. **Hall** of Randolph. My information is different. I have lived in the valley of Virginia and my relations now live there; I correspond with them, and I see persons almost daily from one of the counties in that part of the State, and while they have lost a great many negroes, as we have in this State, my information does not lead me to believe that it is by any means true to the extent that the gentleman states. My information is that a great many negroes have escaped in consequence of the disturbances in the country; but my information from my sisters living at Harper's Ferry, is that negroes have been stopped from crossing the river, and that that place is filled with negroes without owners.

Mr. **Henderson**. Is it not your understanding that Yorktown and other places are filled with negroes without owners?

Mr. **Hall**. Certainly, and there are a great many at Washington also; but my information is that this results from the war, which gives facilities to the negroes te escape. Owners give their negroes a chance to escape, but I do not draw the conclusion that this is done by, or that it is the purpose of, the Government to accomplish it. On the contrary, I am satisfied that, if that purpose is entertained by any part of the Government, it is not entertained by a majority of the House of Representatives.

Mr. **Henderson**. I do not think it is; but I can tell the gentleman this, and I think he feels it as confidently as I do, that if this war is continued six months longer, the bill that was before his body a few days ago—the Emancipation Bill—will become a law, and I ask him if he has any doubt in regard to that proposition.

Mr. **Hall**. My opinion is, that if the Emancipation bill does not pass at the present session, it never will pass. My opinion is, and I have derived my information from reliable sources, that, when an election is held in the Northern States, there will be such an expression of Northern sentiment as will effectually stop the radical legislation of Congress.

Mr. Henderson. I hope the gentleman is correct. But my object is to put the people of Missouri on their guard. I desire to do so in good faith, and I desire to say to them that they must not be astonished if the most radical measures are adopted, not only in the army, but by Congress, for the suppression of this rebellion. Now, I submit a plain proposition; gentlemen may talk about abolitionism, but here is the truth—that eleven of our sister States have gone out of the Union, and five of the Border States, in connection with the loyal and conservative men of the North, have come to our rescue, and we have been enabled thus far to prevent radical legislation. How long will that last? I tell you, Mr. President, the Northern people will not much longer furnish their money and their sons for the suppression of this rebellion without resorting to all the means that God and men have put into their hands for this purpose. I am confident this will be the result. Sir, the fact is apparent that the institution of slavery cannot exist in the midst of armies. What is the fact? The gentleman well knows that vast numbers of slaves are congregated on the Chesapeake Bay and elsewhere, and that some have been taken north, and that even many are being taken to Cuba and sold by the slave catchers on the coast. Only the other day a slaver was captured almost immediately under the guns of Fortress Monroe. We witness these things almost every day, and the question presents itself, what are we going to do in Missouri? I am not disposed to denounce every man as an Abolitionist who believes that the institution of slavery is an evil, because hundreds who believe that fact express themselves in the Senate and House of Representatives in favor of every right we enjoy; and not only that, but they vote and act with us every day, and do everything that can be done to put down radicalism. But, if the gentleman from Clay is correct, that, by the adoption of the amendment of the gentleman from Clinton, Missouri will pass back into disloyal hands, for God's sake, I say, pass it not. You may resist it as much as you please, but I tell you the Government of the United States will *never* surrender Missouri. You may cry aloud that our institution of slavery is about to be destroyed, and that, therefore, the people ought to rise and resist the action of the Government, but I say that it will be utterly impossible. The people of the Northern States are determined that Missouri shall remain in the Union. Sir, this is a right claimed constitutionally, for the reason that no State has the right to secede, and we ought to make the best of our condition. I do not say we should abjectly surrender everything, but I say in vindicating our rights we ought to talk about them and consult with each other in regard to them. Why, sir, I have been looking all winter for radical legislation. I have been looking for the passage of a confiscation bill, and I can tell the gentleman from Randolph, that, before we adjourn, a bill will be passed, confiscating both the personal property and the slaves of rebels. Whether the slaves will belong to the Government, or whether they will dispose of them or set them at liberty, is a question which I cannot tell how they will decide. But such a measure will in all probability be passed. Gentlemen know I have opposed such measures. But are we going to say if they are passed that Missouri will secede? And if you do say it and undertake to do it, I can tell you the second destruction of Missouri will take place, and it will leave negroes and nothing else upon the surface. I believe this and express it, with the best wishes for the people of Missouri in the world. Because, sir, if there is any man closely identified with the people of Missouri and attached to her institutions, I claim to be that individual. Sir, I have been inimical to none of the institutions of the people of Missouri, and while I have been representing them I have done all in my power to resist these things; but yet I say we cannot resist them with arms in our hands, because we would thereby destroy everything we seek to protect. Then, sir, if this proposition be true, I can tell you that when you put disloyal officers into power in Missouri, who will attempt to play the part played by Jackson, you will not only bring destruction upon them, but certain destruction upon yourselves. There can be no doubt about it; I can tell you the besom of destruction will again sweep over this State, and when it comes again it will come with tenfold power. I desired to say as much this morning and to warn gentlemen against permitting any prejudice on this or any other subject to drive them into a spirit of disloyalty, and also to beseech the Union party of Missouri not to be divided upon the negro or any other question. Now, we have nothing to gain by putting disloyal men into office. I am much inclined to pay deference and respect to the views of the gentleman from Clay, and if his views are correct, by all means let us avoid the difficulty by keeping loyal men in office. My candid impression is that slavery will survive here longer than in South Carolina or Virginia. If this war continues twelve months longer in the seceded States, or those which have undertaken to set up a Cotton Confederacy, slavery will be killed and no power in this Union can preserve it. While it will survive in Missouri, Kentucky, Delaware and Maryland, it will be dead in South Carolina, Georgia, Alabama, Mississippi and Louisiana. Sir, when this Hunter proclamation was issued to the world, I felt confident that the President would set it aside. But the President of the United States does not say in his order that he will not make such an order in time to come. And I think I am right in saying that the President believes he has the power to make such an order if it becomes necessary, under military law, to suppress this rebellion. Now I ——

Mr. **Birch.** Will the gentleman permit me to ask whether he considers the President of the United States has the right to issue such an order?

Mr. **Henderson.** I am not arguing that proposition at all. I am saying what I think will be the result of these things. But I can be candid with the gentleman. So far I have done all in my power to prevent radical measures from being adopted. I waited on the President with one of the members of this Convention, who thanked him for the work he had done; and the Missouri delegation did everything they could towards having the Fremont and Hunter proclamations set aside; and not only that, but we did all we could to prevent the passage of that radical measure through Congress which provides for turning free the slaves of individuals. And here let me say that it is almost an impossibility to get runaway slaves from the soldiers in Washington. And why? Because their comrades have been killed in battle and they honestly believe that slavery is the cause of the war. And I tell you the day is approaching when the Northern soldier will have no regard whatever for the institution of slavery.

Mr. **Hall** of Randolph. I heard that same thing asserted in the House of Representatives by a member from one of the northern States, an extreme radical man; and Col. Phelps got up in his place in the House and said he had been serving with northern men in the army and associating with them in camp, and that was the universal sentiment; frequently expressed by officers and men in the northern armies, that when they turned this war into an anti-slavery war, they would lay down their arms. I consider that authority unquestionable. [Applause.]

Mr. **Henderson.** I have no objection to the gentleman putting in his remarks, but I do object to his making a speech. He made one remark which I must allude to. He said he heard the remark made by an extreme radical man of the northern States. I suppose there can be no other design in a remark of that sort, but I hope the gentleman does not couple me with the extreme radical wing of the northern party.

Mr. **Hall.** I do not consider the gentleman as belonging to the class of men alluded to. I had no purpose in what I said except as showing that it was the sentiment that had been uttered at Washington, and it did not strike me at the time as instituting that comparison, and I do not class the gentleman that way.

Mr. **Henderson.** Let me allude to one proposition that the gentleman knows as well as I. There is a military commander in the city of Washington named Wadsworth, and there is a Marshal of the District, a Mr. Lamon. The gentleman knows very well that Lamon has been attempting, in good faith, backed up by the conservative Republicans and Border State men, the execution of the fugitive slave law, but the military authorities and the soldiers of the city of Washington absolutely interfered with the civil duties of this Marshal; and the gentleman is aware of another fact, that when the owners come there after their slaves, these military officers and soldiers, without commands, take them and put them in jail for attempting to kidnap, and the Marshal of the District then arrests the soldiers; and about every Saturday evening I think they exchange prisoners. That is the state of things existing between the civil and military authorities of Washington. Tell me that the military authorities are not adverse to slavery, when I see and talk with Marshal Lamon almost every day about it! When I see these things almost daily, it is not necessary to tell me that the prejudice against the institution of slavery is decreasing. I know otherwise, and I tell you so. But I do not desire to prolong my remarks on this subject at all, but to say to the people of Misouri that in all probability, in the course of a short time, their loyalty will be further tested by acts of Congress. Gentlemen may say I sympathize with those acts; I tell you I have opposed them all, and my record will show I have opposed, and I think successfully in one branch, the bill, the direct effect of which would have released every slave in the United States belonging to disloyal men, and in effect loyal men, because there was a provision in it which made it necessary for the owner to show his loyalty, and that loyalty had to be proven where the slave was captured in the northern States, and he had to show further that he had not sympathized with or aided the rebellion. The result would have been to turn all the slaves loose; and I am not sure but that bill will yet pass the Senate of the United States. There are, however, many good Republican members there, who will oppose it to the end. But the question presents itself, should such a measure as that be carried, and it should become apparent that the institution of slavery in the United States was to be overthrown, the question that comes up for the practical decision of the people of Missouri is, what we shall do. I may say, for one, that there are no circumstances that would induce me to invite Jackson back again into the State of Missouri, or permit rebel hordes to overrun this State. Sir, I have already lost more by this rebellion than ten times the value of all the negro property I ever owned; but if that state of affairs were to come back again, does any man doubt that the property of every loyal man would be confiscated, and every loyal man compelled to leave the State, by those persons who would return and take possession of the State of Missouri? What loyal man would then have any hope in the State of Missouri?

Now, there are other things in connection with this matter. It is not worth while for us to say, in consequence of any attacks upon this or any other institution, that we intend to betray our trust to the Union. I know Congress has said —I do not know whether in earnest or not— and President Lincoln has urged it again and again, that slavery stands in the way of putting down this rebellion. Now, no man can pretend that Mr. Lincoln has not so far been kind to the people of the border States, and to the people of the seceded States. No man can lay his finger upon any act of the President of the United States that points to the destruction of their property; and if any such act is committed in the future by him, it will be a mere incident to what he regards as his duty in order to save the Union of the States. He never will declare the slaves of Missouri free, but he may be required to declare them free by act of Congress, because measures are pending in the Senate, and a sufficient number pledged to that course, to require the President to issue a proclamation to the people in rebellion to lay down their arms; and if they do not in a certain number of days do so, he will be required to declare the negroes free, and to do this as a means of putting down the rebellion; and more, if the war continues during the summer months, not only this will be done, but a portion of the slaves of the southern States will be armed and put in charge of the fortresses in the yellow fever districts, and the question then presents itself, "what are we then to do?" I say this: Congress has said—I do not know whether in earnest or not—that if the border States are put in jeopardy in regard to this institution, we will pay them for their slaves. We do not desire to interfere with them, but we intend to put down this rebellion, and to stop the war, by the most decisive acts. We intend to strike the final blow with all the power that has been given to us by God himself.

Now, Mr. President, I have stated that it is the duty of the people of Missouri to take these facts into consideration, whether we shall again invite back disloyal men, and bring up the horrors we have already passed through, or whether we will remain steadfast, even though certain measures are adopted by Congress. Now, everybody admits that the institution of slavery has been destroyed, or that it has been greatly weakened; that great injury has not only been done to it in Missouri, but that it stands now in the rebellious States in the most imminent danger—indeed, that it is just ready to be overthrown. Then, I say, if there is any danger in this proposition now before the House, it ought not to be adopted. For God's sake let it not be adopted, but let us act like loyal men; and if slavery is to be destroyed in those States that will not yield, and if they will resist the power of the United States in open rebellion, while the Government will continue the war, and never give up the contest until every inch of territory from Maine to Texas, and from the Atlantic to the Pacific, is regained, let us remain loyal, for thereby we protect the institution of slavery in Missouri, if we so desire, when it shall be dead and gone in the States of the South. I believe our loyalty to-day is the only shelter slavery has in Missouri. Now, Mr. President, I do not desire to take any further part in this matter; and I would not have made the remarks I have but for the fact that I was deprived of the opportunity of doing so this morning. I have said just about as much as I desired to say this morning, and having said thus much, I will conclude by saying I hope the amendment will be rejected.

Mr. HALL of Randolph. With regard to the amendment offered by the gentleman from Clinton, I have expressed myself on that subject. It seems the gentleman from Clinton is not opposed in principle to the character of the restrictions we are imposing on the right of suffrage, or upon the candidates, for the gentleman informs us that he might imagine a case in which he would exclude them—for instance, men of the same class as Governor Jackson. Now, sir, I am aware that there are restrictions that would be necessary if there was any danger arising from that source. It may be that Jackson is the worst of his class, but he is not the only one; there are a great many others—the proportion of them I do not know. It is, however, assumed by different gentlemen, that the number is so inconsiderable that it will be well to dispense with any restrictions upon voters. My conclusions are drawn in this way. We know there is a class that ought to be excluded, and that that class is numerous. We also know there is a class disloyal in the State, and that they ought not to be permitted to hold office. The question is, what is the safe course? We are not adopting a permanent policy, or one which will exclude these men forever if they hereafter become loyal citizens, but one which gives us security for the present—a mere temporary expedient to carry on the Government until we can carry it on in the ordinary channels. I therefore differ with the gentleman, and I differ with him in this, that I am fully determined to do nothing which shall render this Government insecure, or permit it to again become disloyal. Now, I am doing this from a sense of duty and from a conviction that it is our duty, and for our interest, to remain associated with the present Government. I have always acted on this principle from the time this rebellion broke out. I have not been induced to take the part of the Union in this controversy because I was afraid the North would destroy our institutions, and I am not now going to be driven by threats—from whatever source they may come—that we are to be utterly destroyed and devastated if we do not do as suits the pleasure of the authorities elsewhere; and I am sorry the gentleman should have thought proper to present this as a motive for our action. Now, sir, if we are to be told that our country is to be devastated, and that we are to be subjected to every evil that war can bring upon us, unless we suit the convenience of a party in the northern States, I say ——

Mr. HENDERSON. My remarks were based on what the gentleman from Clay said, that it would bring back disloyal men into office. Let me ask the gentleman if Missouri should elect disloyal men, if he does not believe the United States Government would drive them out of power, and that they would bring their "hordes" to destroy us?

Mr. HALL. I do not believe any such thing, because the Convention will depose, as in times past, all disloyal officers. I have no idea that the Government has any such purpose as this, and I can see no good likely to result from the intimation that such and such a course will be pursued by the Government; on the contrary, it seems to me evil will result. The business of the Union men in the State has been to deny the charges of the secessionists that this was the purpose of the Government. But now the gentleman, if I understand him, comes here and reiterates—as a man high in authority and having peculiar means of information—the several charges which the secessionists have used to exasperate the people of this State, and which they have believed.

Mr. HENDERSON. Who was it that drove Jackson out of Missouri? Was it the Government of the United States?

Mr. HALL. It was the Federal army.

Mr. HENDERSON. Then I ask him if he does not believe the Federal army will drive out the traitors again?

Mr. HALL. If necessary.

Mr. HENDERSON. Would he not ask the Government of the United States to do it?

Mr. HALL. But I understand the intimation is, that they will avail themselves of that opportunity to rob us of our property.

Mr. HENDERSON. Let me correct the gentleman. I stated this, that if we elected traitors to State offices—assuming that the gentleman from Clay be correct—this state of things would probably occur. I say, when any attempt is made on the part of Missourians to secede, the Government would interfere and drive them from power, and we are in honor bound to ask them to do it.

Mr. HALL. And I will say more, you would do right. But, Mr. President, I sustain the

Government because I think it is the best government, and because I think those in authority will discharge their duties to us; and not for the reasons that the gentleman gives out, that we are to have our country destroyed by them. I know their arguments, but I do not desire to be frightened into the Union cause by threats, and I want every body to understand that I am not to be actuated by fear in reference to this matter.

Mr. **Henderson.** Will the gentleman permit ——

Mr. **Hall.** On the contrary, I have encountered more danger, and other Union men in my part of the State have also, for sustaining the Federal Government than we would if we had sided, or seemed to side, with the other party. I regret extremely, therefore, that the remarks which have just been made should come from the source they have. The gentleman is in Washington, and has, as is supposed and as is true, favorable opportunities for knowing the sentiments of parties and politicians; but I do not believe he correctly announces the purposes of the Government. I believe if this war is protracted it will result in the destruction of slavery, in a great degree, in some of the southern States, and I know it has already resulted in the destruction of that interest in a part of Missouri, and I know it has impaired it all through Missouri; but I deny that that was the purpose of the Government. I say it was a necessary incident to the war, and as such is chargeable to the men who have brought the war upon us. That is the way I reason it. The gentleman says the northern people will not stand by and see their sons slaughtered in conquering the south, unless they can get the negroes. I tell you the people of the north have no such attachment for the negroes that they are going to barter the blood of their sons for them. I do not claim to have any peculiar knowledge of the northern States, except thro' their representatives, and their representatives tell me that the overwhelming voice of the north is against the policy of the radicals in Congress. I believe it; and if I believed that the purpose of the Government was to convert this war into an anti-slavery war, I would give up all hope of the Union, and, more than that, I say the Union ought to go. There is one thing worse than disunion, and that is the conversion of the whole Southern States into a waste, peopled by brutal negroes alone; for that would be the effect of it.

In my opinion a dissolution of the Union would be preferable to a war carried on for the extermination of slavery in the Southern States, for there it would be a question of the extinction of the white race or the black, and at which humanity shudders. Such is not the case with regard to Missouri. Her interest in that question is not so important; and in all contingencies, in my opinion, the destiny of Missouri and her interests require she should remain in the Federal Union. Now, I do not wish it to be supposed, and I hope no gentleman here can construe anything I say into favoring the proposition of the gentleman from Clinton. My remarks have been called out by the remarks of the gentleman from Pike, and I thought it my duty—because I have been in the same theatre he has, although acting in a humbler capacity—to correct an impression that might grow out of his remarks if not noticed. But I am sincerely attached to the Union. I believe it is unwise and opposed to every principle of right and justice to endeavor to transfer Missouri to the Southern Confederacy. I believe her position is fixed, geographically. I believe we have the choice to remain in our own hands; and if we choose that part which most contributes to our prosperity and to every advantage we have in our natural position, we will be at perfect peace. I wish the people of Missouri to know that this Convention is opposed to having a disloyal Governor. I wish them to know, further, that while we have not been influenced by fear, we have been influenced by a sense of duty, and I feel and know that that sentiment alone controls my action.

Mr. **Henderson.** I desire to correct an impression which, I understand, has been made by my remarks on the minds of some, in addition to the gentleman from Randolph. If any remarks that I have made have been construed into a threat towards this Convention, or if it be supposed that I intended to say the Government of the United States itself was prejudiced against the interests of Missouri, I wish it understood that I did not intend it. I did not design to say any such thing; and yet, the gentleman from Randolph has made his argument on the ground that I have attempted to frighten the members of this Convention. I simply designed to say this, and I repeat it, that the people of Missouri ought to know the true condition of affairs, and that the *Government of the United States*, so far, has done everything it could to protect the people of the Border States. We know these gentlemen seceded on the ground that the institution of slavery was endangered, and eleven States went out; and I remarked that the five Border States, aided by the conservative men of the Northern States, had so far prevented the passage of any bill whatever inimical to the rights of the people of Missouri. I did say, and I repeat it, that the necessary result of this war is to ruin the people where armies are kept. I appeal to the gentleman himself, and I appeal to the loyal members of this Convention, for the last twelve months. Have we not lost property of every sort, and are we desirous of having the scenes of the past re-enacted, as they surely will be, and with tenfold force, if the Federal army is again compelled to drive disloyal men out of the State? The gentleman himself says the rebellion has practically destroyed slavery in the Southern States.

Mr. **Hall**. I say the war may involve its destruction if it is protracted very long. That is just what I said; and that this would result as a necessary incident to the war.

Mr. **Henderson**. That is just what I said; that under the administration of McClellan, whom we all recognize as friendly to the institutions of the South, it was impossible to keep the slaves from running away, and that the banks of the Chesapeake were filled with runaway slaves, and that it was impossible to keep them together; and I intended to be understood, not as attempting to frighten the members of this Convention, but as making this statement for their own cool judgment and understanding, and to what they may do in the event of the passage of a measure by Congress which is considered necessary in the work of putting down this rebellion. I again repeat, that, so long as the President is Commander-in-Chief of the armies, he will do everything in his power to protect the institution of slavery in the loyal States; but the President may be required to declare the slaves free, especially in the seceded States, and every gentleman can draw his own conclusions as to what will be the result in the Border States. Why, Mr. President, the very last act I did while at Washington, was to do everything I could to defeat the proposition to tax slaves in the United States ten dollars per head. The proposition was defeated, but I see it has since been renewed and attached to the tax bill—taxing slaves two dollars per head. Whether it will be carried ——

Mr. **Hall** of Randolph. The proposition was defeated in the House by a decided majority, after three or four different attempts.

Mr. **Henderson**. I hope it will be defeated again; but it is certain a measure of that character will be adopted in the future.

Mr. **Hall**. It was defeated in the House on the ground that it violated a provision in the Constitution.

Mr. **Henderson**. I do not wish to protract this discussion, Mr. President. I arose merely to correct the impression which seemed to have fastened itself on the mind of the gentleman from Randolph, that I intended this as a threat. I desire to say, that whatever course may be adopted will not be adopted with the view of destroying any institution of the loyal States, but the necessary consequence is perfectly apparent; and I merely intended to say that if disloyalty got into the State again, and if we had to drive another Jackson out of Missouri by Federal arms, the necessary consequence would be the destruction of slavery and every other kind of property throughout the State. Have we not an example of this? Where is Southwest Missouri to-day? Almost literally destroyed, as if the angel of destruction had passed over it; and if we again have to go through this ordeal, will not the necessary consequence be the destruction of what is left?

The yeas and nays were demanded on the amendment offered by Mr. Birch, and the vote resulted, ayes —, nays —.

So the amendment was lost.

Mr. **Howell**. (In explanation of his vote.) I vote against this amendment with the intention of voting against the amendment to which this is an amendment.

Mr. **Stewart**. (In explanation of his vote.) The reason I vote no is that I am in favor of shooting the leading rebels of the State.

Mr. **Comingo**. (In explanation.) I wish to explain my vote, in so far as my consistency in introducing an ordinance the other day is concerned. When I presented that ordinance, I was under the impression that we had constitutional power to prohibit gentlemen from holding office who have been engaged in rebellion. Upon further examination of that subject, my views have undergone a change. I presume no gentleman on this floor would go further in restraining this rebellion and maintaining the Federal authority than myself, unless there be some who are willing to transcend the limits of the Constitution. I may be mistaken, but I believe we have no constitutional power to prevent gentlemen from holding office who have been guilty of disloyal acts; and I will remark here that I wish to be heard upon this subject when the proper occasion presents itself.

Mr. **Shanklin.** The third section, as it stands in the ordinance as reported, is not clear to my mind, as to its constitutionality. The Constitution has prescribed an official oath for its officers, and whether we can prescribe a different oath is questionable.

Mr. **Welch.** I suggest to the chairman of the committee to insert after the word "municipal," "or other civil officers."

Mr. **McFerran.** I accept.

Mr. **Welch.** I desire to offer an amendment to the amendment. Strike out "nor have given aid, assistance or encouragement." My object is to let the section stand so that all who have taken up arms shall not hold office, but not extend to those who have given countenance or encouragement to the rebellion. It is going into that uncertain sea to which our attention was directed the other day. My impression is, we have gone far enough when we confine the section to those who have taken up arms or levied war. Both these terms are sufficient.

Mr. **Hall** of Randolph. I would inquire if the chairman has any objection to inserting the word "wilful" before "aid."

Mr. **McFerran.** None at all.

The **President.** It will be so ordered.

The vote was taken, and the amendment was lost.

Mr. **Comingo.** If in order, I would like to offer a substitute for the whole bill.

The **President.** It is not in order.

Mr. **Woolfolk.** I propose to amend that section by striking out the word "countenanced" and inserting "given aid or comfort." These words have a legal signification, but I am not aware that the word "countenanced" has a definite legal signification.

Mr. **Broadhead.** I suggest to my friend that he might just as well put it in the language of the Constitution, and say "those who have adhered to, or given aid or comfort."

Mr. **Woolfolk.** I will accept that.

Mr. **Hitchcock.** I wish to add this amendment. Add, after the words in the eighth line, "who have always in good faith opposed the same."

Mr. **McFerran.** I suggest to the gentleman to let the vote be taken as it is, and then it can be offered. I accept the amendment.

Mr. **Meyer.** I have an amendment. Amend by adding after the word "person," in section third, the words "now in office."

Mr. **McFerran.** I hope it will not be pressed.

Mr. **Meyer.** I withdraw it.

The amendment offered by Mr. McFerran was then adopted.

Mr. **Moss.** I will now offer a substitute for the whole thing. I will state that the proposition is in substance what I talked about yesterday and to-day—to have no election—to keep the Provisional Government in—and to keep the Convention alive.

Mr. **Broadhead.** It seems to me a large portion of that bill is not proper, as it differs from the whole bill. It has reference to another specific thing.

The **President.** The proposition before the Convention is to regulate the qualifications of voters; but the matter is so mixed up that I will allow the Convention to vote on this proposition.

Mr. **Hitchcock.** I desire to say a few words about this proposition, and I desire the Convention to reflect upon the reasons for adopting or rejecting it. As I understand it, we postpone the election of any Legislative body, and the reason assigned is that we are not in a condition to hold an election. Now, this question was before the Committee on Elections, and that committee have not seen proper to postpone the elections. I fully concur with the message of the Governor in favor of having the Congressional election take place near the time when the members elect shall take their seats; and from what information I can obtain, it seems altogether inexpedient that at this time the Congressional election should be postponed.

Mr. **Moss.** I do not think it refers to the Congressional election.

Mr. **Hitchcock.** Very well. Then assuming that the Congressional elections are to be held, you at once settle the whole question of holding elections. If you can hold a Congressional election, what difficulty is there in holding others? At any rate, in holding a Congressional election we encounter a large portion of the difficulties which the gentleman seeks to avoid. In regard to the Legislature it is absolutely necessary that one should be elected, for it will be impossible for this body to act as a Legislature. We may talk as much as we please about the revised statutes and about the Legislature wasting the time of the people. That is true, but I apprehend every member here knows important questions arising out of this rebellion and already before this Convention, will be demanding the attention, which, as I conceive, it will not be possible for this Convention to bestow, and which ought to be settled by a Legislature—questions in regard to the revenue, and the assessment and collection of taxes, banks and railroads, and various other things requiring the profound consideration of a legislative body; and questions which must be settled before the State can be put back in its former position. All these things will press themselves upon the minds of the Convention, and I undertake to say the Convention cannot properly pass upon them. I say, then, that it is of the highest importance that a Legislature be elected, provided an election can be held at all. I believe it can be, and although restrictions have not been adopted which I think ought to be adopted, still I think that with the restrictions which, I doubt not, the House will adopt, an election can be held in nearly every county in the State. I think it is the desire of the people that a Legislature should be elected, and if we are convinced that a Legislature can be elected, then we ought not to postpone such an election.

Mr. McFerran. I rise for the purpose of moving the rejection of the amendment, for this reason, that in voting on that amendment we are either compelled to vote for it or vote down the ordinance which has been reported here, so far as the first section is concerned. I do not think the Convention can, in justice to itself, vote on the amendment, and I therefore make the motion to reject.

The Vice-President. The motion to reject is not in order.

Mr. McFerran. I will withdraw the motion with the understanding, that, if the first section of the amendment is voted down, it will not prevent our taking up the ordinance on this subject which is now on the table.

Mr. Moss. I would not say a word more if it were not for the fact that several members have taken their seats since I spoke on this subject yesterday. Now, sir, I think if the members of this Convention had required any evidence in the world to satisfy them of the propriety of the proposition I am now making, the discussion that has been had here to-day ought to have satisfied them. We see, sir, that there has been a struggle in this Convention, this evening, in regard to fixing the restrictions upon the voters and candidates. We find a large number of the members of this Convention in favor of removing all restrictions both from the voters and the candidates, as far as any reference to the past is concerned, and we have had a discussion this evening in connection with that subject, and remarks have been made by distinguished gentlemen bearing upon other subjects allied to this that will have great influence on my mind in determining the action I shall take in reference to this matter. It has been intimated, Mr. President, that if we adopt the policy suggested by the gentleman from Clinton, the people would elect a State Legislature unfriendly to the Union and terrible consequences would result therefrom; and it has been intimated that members elected and holding sentiments of that character, would not be permitted to take their seats as members, but that the State would at once be placed under military government. And, sir, it is useless to attempt to shut our eyes against these things. There is a strong probability that such would be the case. Then, as a matter of course, we could not have an election without having restrictions thrown around our voters and candidates that would insure the election of loyal men. These restrictions have been looked upon as an absolute necessity in case of an election. A large number of the members of this Convention have opposed these restrictions here to-day by votes and speeches, and it will be wholly impracticable to have an election with no sort of restrictions; and if we undertake to have an election with restrictions either upon the voter or candidate, it will be unsatisfactory to the people. They will not look upon it as an election. They will look upon it as an attempt to elect men of a certain class to office, and to put the State under the control of men holding certain sentiments, and the difficulties and dangers that will arise among the people growing out of these restrictions, in my humble opinion, will be very great. The proposition that I offer, then, is this. If the people are not in a condition to vote without restrictions, they ought not to have any election. If the country is in danger, there should be no election held. I am opposed to it, and for that reason I have offered my substitute; and I would say to gentlemen here to-day who have been in favor of removing restrictions, that it will be far more acceptable to their constituents, as I know it will be to mine, to have no election, but to keep the Provisional Government in, and this Convention by taking such action will strengthen its hold upon the affections of the State of Missouri. I believe the action of this Convention, upon the questions of great vital interest that have been brought up before it, will demonstrate to the people of Missouri that it is a conservative body, and that we are for the Constitution and the Union under it. In short, Mr. President, I do not see that the adoption of the policy I have proposed can result otherwise than beneficially to the people under the circumstances that now surround us. I think this matter will be apparent to every one. No Union man can reasonably object to this state of affairs. All that the Union men in the State of Missouri can ask is, that the State shall be kept in the hands of loyal men; and I would say to gentlemen in this Convention who may represent constituents who have heretofore been unfriendly to the Union—for I desire to talk now to all parties—and I say, that, to those who have been favoring what is termed the Southern cause, this arrangement would be more acceptable. It is to reconcile the people everywhere. The war is now ended, I presume, as far as Missouri is concerned, and the great object now is to get the people back upon friendly terms with each other. Then, Mr. President, if you would accomplish that great end, do not attempt to have an election with restrictions thrown around it that will favor the election of one party in the State more than another. We should have no elections until we can have them under the old order of things Keep your Provisional Government in, and keep this Convention in as a legislative power, if any legislation is required. The members of this Convention were elected at a time when the people were sane enough to look at the question in all its bearings, and they elected men in whom they had confidence. For a time that confidence may have been withdrawn from the Convention. It may have been lost by a portion of the people of Missouri, and they may for a time have been very hostile to it, but these bitter feelings have given way and are continuing so to do as the work of this Provisional Government is understood and justly appreciated. And I tell you it will continue to grow in favor with the people, and we may look forward with hope that the day is not far distant when we can once more throw the polls open and have a free and untrammeled election; but if you undertake to have an election now with these restrictions thrown around it, I believe it will be attended with evils from which the State will not recover for a long time. I say that all the good that could be achieved by having an election, can be achieved by keeping the Provisional Government and this body in existence; and, believing that to be the fact, I recommend such a course in preference to having an election under the circumstances that must necessarily surround us if an election is attempted to be held.

Mr. Orr. As this is of a good deal of importance and as many still desire to speak, I move an adjournment.

The motion was lost.

Mr. Moss. I desire to make one further remark. The last clause of the ordinance that I offered provides for the qualification of voters. It was suggested by the gentleman from St. Louis that an election for Congress would necessarily have to take place.

Mr. Leeper. I shall support the substitute and will give some of my reasons for so doing. I may vote for the ordinance as reported by the committee, but if I do, it will be because I can do no better. As I remarked yesterday, I am opposed to test oaths. Now, I do not know whether any member on this floor doubts my loyalty, but I do not wish to see so many test oaths put forward, and to avoid that I would rather see the election put off and let the Provisional Government go on as it has for the past year. There is another thing. Under the ordinance, as reported by the committee, designing men can go forth as wolves in sheep's clothing, and claiming to be loyal men, can work upon the sympathies of the people and get into office. Taking all these things into consideration, I would rather see the election put off until 1864.

Mr. Howell. I addressed the Convention yesterday on the main proposition as contained in the substitute offered by the gentleman from Clay, and the substitute, as offered by the gentleman from Clay, is made up of an ordinance reported by a majority of the Committee on Elections, and of another ordinance reported by myself as a minority of the same committee. I do not desire at this time to go into a discussion to show the complications and embarrassments that will grow up out of an election, and which must occur at this time under any system of oaths that can be devised by the wit of man. I talked sufficiently yesterday, but there is one idea that I desire to advance to the Convention that I did not yesterday, and that is this. That an election presupposes an expression of the will of the people, and that that election, when it occurs, will be abided by. Now, Mr. President, let me ask, if this election, if it should occur, will not have to be made efficacious by the sword at last? Suppose that Jackson was back here, supported by his present Major-General of the Confederate States, and obtains power again in the State of Missouri, and finds here a Government elected by a portion of the people under the enactment of the test oaths of this Convention, will not such a Government be scattered from this capitol and driven from the State? Would they not be hung, sir, and otherwise punished? I suppose no gentleman would pretend to say that such would not be the case. Suppose, on the contrary, that gentlemen supposed to have Southern proclivities, under any contingency of State affairs that could be imagined, were to be elected in this State, would the Federal authorities permit the inauguration of such a Government, or the assembling of such a Legislature, or the qualification of such officers of the State? Most assuredly it would not. The good sense of every gentleman in this hall will teach him the correctness of the proposition I lay down. If that be the case, then there can be no election in this State that the people will freely acquiesce in, and it is therefore a question of bayonets and bullets. It is the military and not the ballot-box that is to determine the matter. Then, if the ballot-box is not efficacious, if it is dependent upon the power of the Federal Government, then I am unwilling that we should bring upon us the trouble that will occur in the State of Missouri under any arrangement for the holding of an election at this time. Let me appeal to loyal men here—let me appeal to gentlemen who are friends of the Union—let me appeal to gentlemen who look upon slavery as having no connection with the Union, as I do—let me appeal to every gentleman to say where is the necessity of further complicating our difficulties in Missouri. Sir, have not nine-tenths of the loyal men of Missouri full confidence in the Government we inaugurated in July last? I apprehend no gentleman will arise here and say that it is not in the power of that Government to administer the affairs of State. If that Government has the confidence of the loyal people and they believe it sufficient to carry on the affairs of State, is it not competent to appoint sheriffs, coroners, county court justices, and do everything necessary until we can start the wheels of Government once more. I apprehend it is. It is contended, however, that the election of a Legislature is necessary at this time. Now, sir, I have practised law some little in this State. I have been a practising lawyer for twenty years and I profess to be somewhat familiar with our statutory laws, and I undertake to say that nothing is required in the statutes, that I know of, so important as to make it necessary to run the risks and hazards that will follow an election at this time. There are no reasons outside of the statutes. As remarked yesterday, by the Attorney-General of the State, there has been too much legislation. He who has the confidence of the loyal men and the Government of the State of Missouri, and who is the law exponent of the State, and who is supposed to be familiar with the statutory law of the State, has given it, sir, as his opinion, and upon his responsibility as a member of this Convention and as a law officer of the State, that there is no legislation that is necessary at the present time, as far as our great municipal machinery is concerned. Then is there any legislation of a political nature or consideration so important and so urgent as to justify us in incurring the expenses of a folly of that kind, and also run the risk of the troubles and dangers growing out of an election at this time? I should like gentlemen to point out to me, if they can, where the urgency of legislation is at the present time, and what are the items pressing upon us with such force.

The gentleman tells us that our railroad system is out of gear, and that some legislative action will be necessary in reference to it. It may be so, but our Governor has not so informed us. I have not heard it outside this body. I have heard it from no other source than the gentleman from St. Louis. If these roads have been forfeited, I apprehend we are not called to keep them in running order. The Federal Government will do it until the rebellion is suppressed, as heretofore. It is a matter of absolute necessity that the General Government should keep the roads in running order; and they will see to it that they are kept in good condition. And, sir, if we have that guarantied and secured to us as a military necessity, where is the necessity, in the present disturbed condition of the money market of this country, and in the face of this rebellion, and in the face of difficulties of every kind, of throwing our roads into the market by a sort of bob-tailed Legislature, if you please, to be sold we know not to whom? For one, I protest against it. We are looking to the time when we will all be loyal in this country, and when we can all legislate harmoniously together.

Sir, these railroads belong to all classes in this State, and so important a step, involving the State to the extent of twenty-five millions of dollars, should not be taken; and these roads should not be thrown into the market and endangered without the concurrence of all the people, who have helped to foot the bill. Now, the only thing the gentleman has pointed out as showing the necessity of calling the Legislature, is to devise means for facilitating the collection of the revenue. The gentleman has not condescended to point out in what particular our revenue system requires legislation. I have not scrutinized that matter closely, but I apprehend that we have a law on our statute book now that applies to next year and the year after, in reference to the levies for the support of the Government; and I apprehend that the law provides collecting officers for the revenue, and if there are any little details of legislation necessary in connection with this matter, this body is amply qualified to provide for them. I apprehend this Convention is fully competent to attend to all matters of legislation that will be required.

We have districted the State, and provided for an election for Congressmen. There will be no necessity for the Convention to assemble to elect Senators of the United States, as we are fully represented in that body, and that representation will hold their seats for the next one or two years.

I have hastily run over the reasons which I supposed would be urged for an election in August next, and the reasons which would be urged for the election of sheriffs and other inferior officers, and I have attempted to meet these objections; and I lay down the broad declaration here that the suspension of the elections prescribed under the Constitution, as it now stands, will produce no break in any department of the Government. It is on the right track, and all we have to do is to let it remain there, and not run any risks in switching it off. Sir, suppose a Legislature should be elected not satisfactory to the powers at Washington. What would be the consequence? Would there not be a conflict between the Government and the civil authorities of the State, and Missouri would be governed by military power as Tennessee is governed to-day?

Mr. President, I am a Missourian. I have lived here twenty-seven years. I came here a boy, and I know no other State and feel no other interest than as I am connected with this State and as this State is connected with me. I have some property and a large family linked with the destinies of this State. Some of them are buried in the soil of Missouri, and I expect to repose there myself. I can have no other desire than to live here, for as the State goes I must go, and all would go that is near and dear to me. When, therefore, a question so vital as the present is presented, we have no right to endanger the safety of the State by running risks, or indulging in experiments. I appeal, then, to gentlemen who have the interests and welfare of the State of Missouri at heart as I have, and, as I suppose, each and every member of this Convention has. I appeal to them to pause and reflect deliberately before casting their votes for a measure which may again desolate the State with civil war. I appeal to them to run no risks that will bring about such a result.

Mr. **McFerran**. I regret exceedingly extreme rashness in debate. The speech of my colleague upon the committee, when it goes forth to the State, will create the impression in all probability, that the voters of this State are to be disfranchised. Now, the proposition for which the gentleman has offered an amendment or substitute, contains no provision for disfranchising any citizen of the State. I say, sir, that this extreme manner of expression that conveys a false impression upon the country, is doing us more harm than any legislation that will be accomplished by this body. To-day I listened to a speech which, I fear, will create the impression, when it goes over the State, that there is danger of the Union men of the State rising in rebellion against the constituted authorities of the nation on this negro question. The idea, sir, is preposterous. I do not suppose that the speaker contemplated that such an impression would be made on the masses of the State, but I fear that such an impression will be made. Now, sir, I apprehend there is no danger that the Union men of the State are going into rebellion against the constituted authorities of the nation on account of the negro question. Neither, sir, do I apprehend that if the election is held there will be a solitary voter disfranchised in this State. Then, sir, if no man is to be disfranchised, I would like to know of gentlemen, when they talk about the freedom of elections, what they mean? We do not propose to disfranchise anybody, but it is proposed to prevent men who have engaged in this rebellion from holding office in this State during the continuance of the present war; and the gentleman says, because we do that, the effect of it is to destroy the freedom of election. I say it is not so, but that the effect of it is to destroy and prevent crime. That is all. Shall we be told, when an effort is made to prevent rebellion in the State, that that is disturbing the freedom of election? I think not, sir. But it has been asked, here upon this floor, "where is the necessity of a legislative body? If the Convention continues in power, and the present Governor, Lieutenant Governor, and Secretary of State, why should not all the elections be postponed?" I will tell you, Mr. President, why the elections should not be postponed. The finances of Missouri, her revenue, the source of her existence, require legislation of the most careful character and of the most laborious kind. Forty counties only in the State have paid in their revenue for the past year. The men who have undertaken the collection of the revenue will need relief; for if the revenue law is to be carried out as it now stands, it would ruin every Sheriff in the State; many are now deterred from collecting the revenue, under the impression that it would ruin them if the laws were enforced. I would ask gentlemen how they expect to carry on this Government and leave the revenue of the State uncollected? As the law now stands, but few men will undertake its collection; and those who have undertaken it are trembling for fear the provisions of the revenue law will be enforced.

And yet, the election is to be postponed. They say we should have no election for the Legislature, because it would bring on a conflict at the polls. I tell you, Mr. President, we need an election for political reasons of great importance. Those who have figured in the rebellion in the State have always, with a bold front, proclaimed they were a majority of the people of the State. A test of that character, as to where the majority is, whether for or against the Government, will do much good, and show the minority that has inaugurated this rebellion, the enormity of their crime. But it is asked, "why not elect a Governor, Lieutenant Governor, and Secretary of State, if we elect a Legislature?" I will give as a reason, that the Governor is commander in chief of the militia; that he is the chief executive officer in the State; and that if an election is held for these officers, it is to be held all through the State; and yet, in many localities, perhaps a fair and full expression of the people could not be had. Another reason why there should not be a general election now is, that the tendency to intemperate remarks, the tendency to misrepresentation in debate, and the thirst for power, is so great as to lead men to cater to every prejudice and inflame every passion; and the people of this State should not be approached in this way at this time. I am, therefore, in favor, as the report of the committee shows, of continuing the present State officers, and electing all others. Another reason why we should have an election now is, that we should get rid of the military authorities just as soon as possible. It will be a happy day for Missouri, sir, when there is no military force within its boundaries. Do you rely upon the military Government instead of the civil authorities; and are we to teach the people that they must no longer take an interest in the civil Government, and that the burdens of government no longer rest upon them, but upon the military authorities? I, for one, am opposed to schooling my constituents in that way. If it is believed by a majority of the Convention that the State officers can be safely elected now, then, sir, I would say elect them. But, at all events, elect our members of Congress, Legislators, Clerks, Sheriffs, and other minor officers.

I heard it remarked, I believe on yesterday, that some supposed that half of our people were crazy, and that others thought all of them were mad. Another gentleman made the remark that others thought some of them were in a trance; but, be that as it may, I believe none of our people are crazy or half crazy, or in a trance. I believe our people are capable of governing themselves if you will only give them an opportunity.

Mr. President, no State ever required more financial legislation than ours. But it may be said that the Convention can do the legislation just as well as the Legislature. This proposition I deny. This body is not a legislative body; it was not elected for that purpose; and it is quite impossible for the members of this Convention to assume the duties of ordinary legislation. This is the fourth time we have met, and we have always refused to go into ordinary legislation. Hence, I am in favor of electing a Legislature fresh from the people, and that will take into consideration the great interests of the State, and discharge their duties to the State.

Mr. McCormack. I am of the opinion that there is nothing that can be done that will be more conducive to the peace of the State of Missouri than to let the people elect their officers for their own government. We are told, Mr. President, by some gentlemen that we wil produce a great amount of irritation by test oaths. What irritation can this oath produce in the minds of loyal men? I see nothing in the world calculated to irritate loyal men by taking this oath. I, sir, am in favor of restricting the people of Missouri, but at the same time I do not wish to debar any man from the polls. Mr. President, there is no fear, in my mind, about the propriety of this thing. I am fully convinced that if we put proper restrictions around the polls, as we should do, the people will elect their own law-givers, and that of itself will go far towards restoring the peace of Missouri. I do not think the people should object to safeguards. A large number of the people are friends of the rebellion. There are men in the country who were arrayed in a war for desolating our State, and they have filled the State, from one end to the other, with the wail of the widow and the cry of the orphan. I am not in favor of these men holding office. I think that men who have been engaged in rebellion against the Government should not be allowed to hold office; and I think the voters should not be allowed to vote for such men, who have been guilty of such unlawful acts. Now, there are a great many gentlemen who seem to be remarkably fearful that we are going to do a great amount of mischief. I fear we shall do mischief by refusing to act as the exigencies of the times demand. There is no higher privilege than that of the elective franchise. If we continue ourselves in existence, we usurp powers that properly belong to the people, and we should let them elect officers to suit themselves. I admit the present Government of Missouri has done an immense amount of good in the State; but I believe now is the time for us to take ourselves out of existence, and to commit to the people the trust of their own liberties, by allowing them to elect officers to make laws for them. I hope, Mr. President, that this subject will be calmly reflected upon before any final action is taken.

Mr. Pipkin. I desire to say only a few words—not to discuss the merits of the proposition, for that has been ably done by abler men,—but simply to say, sir, that I am in this Convention actuated by the same motives which actuated me in the previous sessions of the Convention. At the July term of this body, the proposition was made to bring the elections on in September. I opposed it; but the elections were postponed until November. Again, at the October session, the proposition was introduced to postpone the elections until August, and I supported it for the reason that, at the time we were in session, I was satisfied in my own mind that the people were not in a condition to go to the polls, and vote quietly and dispassionately, as in former times. I am still of the opinion, sir, that an election brought on in August would result in evil instead of good, and with that understanding, I am free to admit that I am willing to retain the present Provisional Government in power—to retain them in power sufficiently long to enable the people to go to the polls and choose those whom they wish to serve them, and to choose them under circumstances that cannot be claimed to be a partial or one-sided election. Now, in my portion of the State, there are many counties which have neither sheriff, clerk, or coroner. I have not heard of any appointments made in Southeast Missouri by the present Provisional Government, and consequently these counties are without these officers. No poll books can be made out for them, and no election can be held there. Now, if there shall be an election in August, our proceedings cannot be published to go out into the State, and especially in my part of the State, because there are no mails; so that the citizens will be unable to know whether there is an election or not. I corresponded with Thomas B. English of Cape Girardeau last November, and only a week before I came to this Convention he informed me that he had just received my letter! Only six months! So, it is impossible for a large portion of Southeast Missouri to be heard in an election; consequently no representatives to the Legislature can be elected from that part of the State who will reflect the will of the people.

But I have another reason, sir, for desiring to postpone this election. It is that the peop[illegible] are beginning to quiet down, and are becoming satisfied with the present Provisional Gov[illegible]ment. Heretofore, many citizens—many [illegible]ion men, (and when I speak of Union men, I speak of those who have always been so, in contradistinction to Southern sympathizers)—condemned the action of this body, on the ground that it ought to have been done by the people, and that the Convention ought to have been elected for that purpose; but they are now becoming satisfied that the Provisional Government has worked well; that the wheels are running with tolerable smoothness, and that the business of the State is being properly conducted, and its dignity preserved, and they are at last willing to submit to it until such period of time as they can have their election, and choose loyal men and not secessionists to serve them. Sir, another reason which I have for desiring a postponement is that there is to be sprung upon the people of this State, at this coming election, if it shall take place, that pestiferous negro question which has been voted down by such a decided majority of this Convention. Let those men who expect to hold fat offices under this emancipation scheme be disappointed, and the people will be quieted down and go to work as in former times. But if this ordinance is voted down, this question will be forced on the people, and we will be in a broil throughout the State. For that reason I am opposed to having an election. I am opposed to test oaths. I only desire men to support the Constitution of the United States and of the State of Missouri; and when they have done that, if they will perjure themselves on that oath, they will perjure themselves upon all the oaths you can bring forward. I say, then, I am opposed to prescribing to the voter or candidate the test oaths that have been proposed here. I desire nothing more than that he shall be required to support the Constitution of the United States and State of Missouri. A man can be tried for perjury for violating this oath just as easily as for violating any other; so that, for these reasons, I think the substitute, so far as the postponement of the election is concerned, should be adopted, and I am in favor of it. But more particularly, I am opposed to bringing on the election in August, because of the impossibility of getting a fair and united vote.

Mr. McCormack. If we continue this Convention in power, how much representation would Southeast Missouri have?

Mr. Pipkin. She will have just what she has now; and the people would rather have those that were originally elected than to go through the farce of another election. The people know whom they elected then, and if they are to be deprived of voting at an election at this time, which would be the effect of the action here proposed they would have no representation at all in the Legislature. A large number of the counties are wholly destitute of any municipal organization. Under these circumstances, I will not consent that an election shall be brought on for my portion of the State.

Mr. Hall of Randolph. I am not as well informed as to the condition of the State as are most of the members here present. I have taken pains to ascertain the condition of one section, and they tell me they can safely hold an election there, and can return loyal men. Taking the section I am best acquainted with, they tell me that a resumption of business has taken place; and that the holding of the courts has had a good effect, and induced a return to the old order of things; and they think a return to the old order of things will have a strong tendency, by the force of habit as well as other influences, to bring the people back to their allegiance to the Government. Now, I am opposed to the election of a Governor and other State officers, and the reasons that apply are peculiar. It is necessary that we shall not only have a loyal Government, but it is necessary that we shall have a Governor that has the confidence of the powers at Washington. That is the case with our present Governor. He has made arrangements with the Government at Washington that are necessary for the well-being of the State, and these arrangements were brought about mainly by the confidence they had in him personally. Now, if we elect another man, the arrangements that have been made at Washington may be much interfered with, and injurious effects may result. I am opposed, therefore, to the election of a Governor, not because we may not select a good man, but because we have already selected a man not only agreeable to ourselves, but one who has the confidence of the powers at Washington. We have such an one now, but we have no security that by an election we would get such a man.

With regard to an election of members of Congress, it seems to me we should have an election at some period before the expiration of the present Congress. The general impression at Washington is that there will probably be an early session of the new Congress, and that it will have important duties to discharge in relation to the restoration of the country to its proper condition. The general impression is that that Congress will be called early, and that there will be an imperative necessity for it; and it is important that Missouri should be *fully represented in that Congress.* It is a matter of great importance to the welfare of the whole country. Now, sir, if we are to have an election between this and the fourth of March next, I have reason to believe we can have that election in this State in August, without disturbing the peace and order. I do not know what may be the state of things in this State six months hence. I hope it may continue to improve; but we have met with extraordinary reverses here, and every one must feel some distrust for the future. As the time is near at hand at which an election would regularly come, and as the present appears propitious for a peaceful election, I prefer that it should take place in August, rather than be put off to a more remote time, when everything must be uncertain.

In regard to an election for members of the Legislature, it is, in my opinion, most prudent to have it as soon as possible, and not put it off to a period when reverses may overtake us. It is far better that that election should come off simultaneously with the other, so that the business of elections may be over at once. Now, sir, I feel that I am incompetent as a legislator for the people of this State. I feel that this Convention is not of the material best adapted for the Legislature of this State. I believe it would give more satisfaction to the people to have a Legislature elected by themselves, and fresh from them.

The questions that the people feel the most interest in are local questions. We cannot be informed of these. There are many things arising in many parts of the State that we do not feel prepared to act upon.

There is another thing in regard to this matter to which I wish to allude. It has been charged that we have shown a disposition to usurp power. Now, I have endeavored, as far as my action has been concerned, and I believe the Convention has, to avoid even a pretence looking to such a result; and I want to relieve the minds of the people in this respect. When they discover we are not disposed to assume unnecessary power, they will have more confidence in us. I have come to the conclusion that it will be better to cut off the election of Governor, and provide that the Governor shall fill the unexpired term. We have made that provision as to every office that has been vacated by the action of this Convention. We have filled them for the unexpired term.

With regard to a Legislature, we must have that, and I hope that, once for all, we will provide for the election of a Legislature, and relieve ourselves of the responsibilities that would otherwise fall upon us.

Mr. **Long**. Many excellent reasons have been offered why the election should be postponed, but among the number I was surprised at one offered by the gentleman from Ironton, (Mr. Pipkin). He tells us that in some counties of his district they have no sheriffs or clerks — not even a coroner or constable. Well, now, it is rather singular to me, if the chief executive of this State has ignored that part of the country by failing to appoint the proper officers, why the gentleman should ask to retain the chief executive in office who has thus neglected them.

Mr. **Leeper**. Will the gentleman allow me to rectify him? Since I have been here, Gov. Gamble has called upon me to furnish a list of names of men that were loyal, to fill the different offices. But I am unable, in several of the counties, to find men who are loyal. [Laughter.]

Mr. **Long**. The gentleman will see that I do not complain of the action of the Governor. I am only passing upon the remarks of the gentleman from Ironton. Now, the gentleman says he voted, on a former occasion, for a continuation of the election. The gentleman will find that almost the entire portion of this body who voted to put off the election in October are now voting to put it off. What is the reason? Are they afraid that we cannot get the votes of the loyal men of the State? No. Are they not afraid of the vote that will be given by the loyal men of the State, and do they not desire to put off the election until the disloyal men of the State can come back and vote? I think that is the fact. I have no doubt of the loyalty of Gov. Gamble and his associates.

Mr. **Moss**. I would ask the gentleman if there are not four times more Union men out of the State than rebels.

Mr. **Long**. My opinion is there are not. I believe there are more rebels gone from Missouri than Union men.

Mr. **Pipkin**. I can inform the gentleman that I am opposed to bringing on the election until such time as we can have a quiet, peaceable and fair election. At first, I opposed a postponement of the election; but when we assembled in October, the gentleman from St. Louis (Mr. Long,) and others moved that the election be postponed until August. I voted in favor of the proposition, and shall vote for it to-day for the same reasons. We might be able to get a bob-tailed Legislature here, but that would be all. The people of the State are not in a condition to vote. I want my people to vote; and if they are not in a condition to vote, I am not to blame. I take it for granted that the secession army and the Federal army have both had a great deal to do in running the people out of the country.

Mr. Long. The gentleman will remember another important reason he gave at St. Louis why the election should be put off, and that was he held our acts to be unconstitutional, and that they had no legitimacy about them.

Mr. Pipkin. Yes, sir; and I am of the same opinion still. But that has never changed my position in regard to this question. I am sincere and honest in the views I have taken. My object has been to subserve the best interests of the people. I do not know what the views of my people are, for I have not been able to ascertain them. I shall, therefore, vote according to my best judgment; and I shall vote to postpone the election until such time as the people can give a full and fair expression of their wishes. I believe the people of Southeast Missouri are just as loyal as any people on earth, and to a Government based on our Constitution; but they do not endorse Mr. Lincoln.

A motion was made to adjourn.

The President. Before putting the motion I return the thanks of the Convention for the very elegant bouquet that has been placed on my stand by the ladies of Jefferson City.

Mr. Allen. I move a vote of thanks to the ladies.

The motion was agreed to.

The President. Before putting the motion to adjourn, perhaps this session of the Convention will close my connection with it, for I shall return to Washington City to-morrow. We have been four sessions in Convention together, and in parting with you, gentlemen, permit me to say that I feel the utmost respect for every member of the Convention; and hope we have done something to conserve the wishes and happiness of the people of this State.

The Convention then adjourned until nine o'clock Monday morning.

SEVENTH DAY.

Jefferson City,
Monday, June 9, 1861.

Met at 9 A. M.

Prayer by the Chaplain.

QUALIFICATIONS OF VOTERS.

Mr. Howell. I think we are in such a state of confusion that I can hardly tell how to vote. In order to obtain the sense of the House on the great fundamental principle here, I will ask that the report of the Committee on Elections, and the substitute as offered by the gentleman from Clay, be temporarily passed over, to give me an opportunity of testing the sense of the House upon a resolution which I ask may be read for information:

Resolved, That in the opinion of this Convention the Provisional Government should be continued in office for the residue of the term for which C. F. Jackson was elected; and that, in the disturbed condition of the State, the election for State, county, and township officers should be dispensed with until greater harmony is restored to the country.

The Vice President. The question is on suspending the rules to allow the gentleman to introduce his resolution.

The Convention refused to suspend the rules.

Mr. Moss. I rise, sir, for the purpose of withdrawing my substitute for the time, and I desire to give my reasons for so doing. I find that there are some of the friends of the substitute which has been offered by myself, who are desirous of voting on the proposition for placing restrictions upon office-holders; and as this is a substitute for a proposition, it has been supposed by some friends of that measure that if this substitute be adopted they can have no vote upon the proposition to place these restrictions upon the candidates for office. I will, therefore, withdraw it, as I have no desire to put anything in the way of a vote on that proposition as an independent proposition.

The substitute was withdrawn.

Mr. McDowell offered a substitute substantially the same as the original.

Mr. McFerran. I rise to a point of order. If I understand the reading of the substitute correctly, the only matter of difference between it and the original proposition is, that it proposes to administer the oath after the election of the officers instead of before. This question was decided by the Convention yesterday. It is not admissible, after the Convention has passed on a question, for a gentleman to come back, under the form of an amendment or substitute, and fish for another vote of the Convention on the same question.

The **Vice President**. I will state to the gentleman that the understanding of the Chair of parliamentary law is this, that when a section has been agreed to by the Convention, that section is no longer subject to amendment, it having been agreed to. The substitute offered by the gentleman to the whole proposition goes farther than the section to which the gentleman alludes; and while I might decide one section of that substitute out of order, I could not decide the whole out of order.

Mr. **McFerran**. I withdraw the point of order.

Mr. **McCormack**. I propose a substitute for the substitute.

The **Vice President**. It is not in order.

Mr. **Breckinridge**. We have spent a great deal of time making amendments and offering substitutes, and we are likely to become utterly confused, so that we shall not know what we are voting for. I suggest to the Convention that I have read, or tried to read, the substitute offered by the gentleman from Dade, (Mr. McDowell,) and I do not see any difference at all, substantially, between that and the other ordinance, except in this: that, whereas, the one before us provides that candidates shall take the oath, the one offered by Mr. McDowell proposes to swear the gentlemen after they are appointed. What I wish to suggest is this, as probably the way in which we can be best satisfied. Let us go on with the bill as reported by the committee, and make such amendments as are necessary; and then, if the Convention is not satisfied, I understand that they can at that point offer a substitute for the whole bill. I wish to ask the Chair whether I am right in saying this?

The **Vice President**. I think so, sir.

Mr. **Breckinridge**. Therefore, I ask the gentleman to withdraw the substitute until we can have action on the bill reported by the committee.

Mr. **McDowell**. I will withdraw my substitute.

The **Vice President**. The question before the Convention is on agreeing to the first section of the ordinance as reported by the Committee on Elections.

Mr. **Breckinridge**. I wish to offer an amendment to the first section.

The **Vice President**. I will state to the Convention that, so far as the Chair is concerned, I shall require a vote on the final passage of the ordinance, after the sections are acted upon. I so regard the parliamentary law, although the President of this Convention decides differently.

Mr. **Breckinridge** then offered the following amendment to the first section: "And I do further solemnly swear, or affirm, that I have not, since the first day of August, taken up arms or levied war." I am aware that this question has already been passed upon by the Convention, but I think I am not mistaken in saying that it has not been passed upon in such a manner as would denote clearly the will of this body on it. I have heard several members of the Convention say that, in voting upon the amendment to the original bill offered by the gentleman from Greene, there were other matters coupled with that motion which did not receive their support. I desire now to present this single point, stripped of any other consideration whatever. The matter proposed by my amendment is simply this. The language of the original bill applied to voters a retrospective qualification. I do not wish to discuss it, because the House has already heard it talked of. I only wish to express my opinion that it is absolutely essential that the Convention should require that those who have borne arms against the United States, and proved themselves in acts to be traitors—that they should be stripped of the right to vote in this State at all. I cannot see how gentlemen of known loyalty—and in whose wisdom and experience I have great confidence—can differ with me. I know they are honest; but I have such a firm conviction that this action should be taken, that I am unwilling to let it pass without an opportunity to vote.

Mr. **Vanbuskirk**. Would you not be willing to insert the word "wilfully" before "levied war?"

Mr. **Breckinridge**. Certainly, sir.

Mr. **Orr**. The Chair has decided that when a question has been voted upon the same thing cannot come up again. We have decided already that we would not make this retrospective at all. I submit that it is not in order.

The **Vice President**. I do not remember the phraseology of the original ordinance, and I cannot decide unless I have it before me.

Mr. **Hendricks**. I think it is the same thing.

Mr. **Breckinridge**. I will explain. I hold in my hand the bill originally reported by the committee. To that first section the gentleman from Greene offered an amendment in these words: "or who have since that time adhered to or given aid, assistance, or encouragement to those engaged in carrying on the present rebellion."

The **Vice President**. Then the amendment is not in order.

Mr. **Breckinridge**. May I be allowed to change my amendment by inserting "the 17th of December," (which is the time the amnesty expired,) instead of "the 1st of August?"

The **Vice President**. The amendment of the gentleman is now in order.

Mr. **Howell**. I rise to a privileged question. In the notes of my remarks in the debates on the report of the Committee on Elections, published in the *Republican* of yesterday, I am reported as having said that I think secession has done more than anything else to destroy slavery, and that I regard it as bad as radical abolition. Now, Mr. President, I said, or intended to say in substance, that I regard abolition agitation as responsible for secession, but that this rebellion has accomplished more injury to slavery in a few months than even abolition could have effected in as many years, and that they are co-workers in the destruction of that institution.

Mr. **Comingo**. If I understand the amendment, it proposes to disfranchise all those who have been in arms against the Government, since the 17th of December last. It is, in effect, the same as the ordinance reported by the Committee on Elections, &c., relative to candidates for office, except that it fixes the 17th of December as the period past, beyond which it will cease to operate.

Mr. President, upon the subject of this amendment, I wish to offer a few thoughts. I do not desire to occupy the time and attention of this body unnecessarily; but I wish to present my own views with regard to the difficulties growing out of the amendment, and the objections which it appears to me may be justly urged against its adoption.

We are told, sir, by an ancient proverb that "When Doctors disagree the patient dies." I trust that this proverb may not have an exemplification in the history of our own State, and the action of this body, designed to remedy her present disorders. I trust that the State will survive the numerous prescriptions that the Doctors here assembled have made, and still are making, for her welfare. But if the adage prove true with regard to States as well as individuals, I fear our own State will soon go the way of all the earth; for I assure you I never before witnessed so great a diversity of opinion touching the ailments of a patient, and the kind of treatment best suited to cure the malady. Some are for amputation, some recommend very powerful restrictions in the way of a limitation to the exercise of former rights and privileges, and some favor milder measures—a kind of homœopathic treatment. It is very difficult for me to tell which of these remedies would be attended with the best consequences. Now, I entertain no kind of doubt, that a very large majority of this body, if not every member, wish to do that which will be most beneficial to the State, and which, in its effect, will be most likely to produce harmony among the people, and restore them to that state of prosperity and peace with which they were blessed in times gone by. I presume that these are the chief objects of our assembling at this time, and surely we should labor most faithfully and zealously for their attainment. I would not for one moment entertain the thought that there is on this floor a member who could wish to say or do aught calculated to produce further agitation in the State, or to keep alive the evil influences that have already done so much to destroy our peace and desolate our homes.

I believe that the people of the State to-day are longing for peace, and that they would hail its return with joy and gladness. They have become sick of agitation and all its attendant evils; and, although it is plain to every reflecting mind that there is but one way to avert them, it appears impossible to make them realize this fact, and to induce them to act in concert for the attainment of the end they so greatly desire. Yet, I hope the day is not far distant when they will do so—when, with united purpose, they will labor to uphold and strengthen the Government of their fathers, and maintain it in its purity and integrity. I regret, however, that I cannot believe that the sympathies of the people of Missouri have undergone such a change as to render them all truly loyal. I regret to believe that the secession heresy is still alive in the minds of the masses in many parts of the State, and that it will take many years, perhaps, to remove them all from beneath its baleful influences. Yet, I insist that, notwithstanding their sympathies are thus misled and in error, the masses desire peace, and will accept it on fair terms, I have no doubt. Thousands of those who call themselves "Southern men" and say their "sympathies are with the South," and use other equally ridiculous expressions to define their views, now realize the fact that the Federal relations of Missouri are irrevocably fixed, and will in a short time return to the fold, and yield a cheerful and cordial support to the Government, if they receive such encouragement as returning prodigals ought to expect at the hands of their loyal, and, consequently, more worthy brothers.

Now, sir, for these, and for other reasons which I will yet present, I feel constrained to oppose the amendment of the gentleman from St. Louis, (Mr. Breckinridge,) and I do so from conscientious convictions of duty—I do so, sincerely doubting the policy of the measure, even if I were prepared to admit the power of this body to impose the restriction contained in the amendment. This is an admission, however, which I am not prepared to make. It has been but a few days since I offered an ordinance in this body relative to the qualification of candidates for office, containing one clause very similar to this amendment. I have since thought of, and examined into the subject to some extent, and the result is that my mind has undergone an entire change as to the question of the power to impose the contemplated restriction upon the exercise of the elective franchise.

You will permit me here to remark that I am by no means prepossessed in favor of secession nor any of the kindred heresies. I came here fully impressed with the belief that this terrible doctrine is the chief source from which has sprung all our present evils. The land bears, and will long bear, the marks of its blighting, desolating influences. They are everywhere present. Ruined farms, neglected agriculture, crippled commerce, distracted finances, suspended schools, closed churches, disturbed social relations, and mourning households, are the monuments erected to its memory. The whole land is filled with sorrow—the voice of mourning and its melancholy emblems are ever present,—and the wail of the widow and the orphan is borne upon almost every breeze. These are some of the results, clearly traceable to one common source; and if we may judge a tree by its fruit, or a fountain by its stream, so may we judge a principle by its effects; and as a bitter fountain can never send forth sweet water, so an evil principle must produce evil effects. But there are other bitter, very bitter, fruits issuing from this heresy, which I have both seen and tasted myself. Well do I remember how fearfully the minds of men, and I may say women too, became unsettled, and how far their sympathies and feelings were led astray; and well do I know the extent to which these evils go at the present hour. Well do I remember the odium with which many regarded the man who persisted in his devotion to the Union and Government of his fathers. And I cannot forget that on more occasions than one, I was told the time had come when *Union men could no longer be permitted to live* in this State. Nor can I ever forget having been met on the highway, by some half dozen men, about the time or shortly after the surrender of Lexington, and having had this same declaration reiterated to me by one of the number, accompanied with oaths and threats of terrible import, which gave to the speech, uttered as they were, a sort of rude eloquence as well as fearful profanity. This expression, "the time has come when Union men must leave," and others of similar import, were by no means uncommon. They were not uttered by a few isolated beings whose judgments were perverted by passion; they were the utterances of many, and were iterated and reiterated throughout the length and breadth of the land, and the sentiment found a most cordial response from the hearts of thousands; and among them were those from whom, owing to their rearing, position in society, and high pretensions, we would most certainly have looked for better things. Such, then, sir, is secession, and such my own experience and opinion as to its effects upon the public mind. If there are any here, or elsewhere, whose experience and observation as to its character, and as to its effects on the minds and hearts of the people are different from my own, I will venture to state that they come from a region where the heresy has not taken deep root, and where it has received a feeble support.

I have alluded to this subject, and have thus given my own experience and observation with regard to secession in Missouri, in order to show that they have not been of such character as to win my affections, or even create in my mind the least sympathy for the rebellion, nor its aiders and abettors, as such; and in order to show that in making war on this amendment, I cannot be presumed to do so from a desire to foster a cause that is odious in principle, and rendered more odious to me by my own experience—a cause the chief ad vocates of which will yet, I doubt not, call upon the "rocks and mountains to fall upon them," and hide them from their own infamy and disgrace, as well as the wrath of an offended people. I will, however, here state, in passing, that none of these wrongs and irregularities in the conduct of the advocates of this heresy can change the principle which they labor to establish. If this be sound, it forever remains so, I care not what may be the acts of violence and outrage committed in attempting to maintain it. And, again: if it be unsound, its character in this respect can never be changed by the methods and means adopted in its support. Its advocates may laud it to the skies,

"In florid prose, and honeyed lies in rhyme;"

they may prosecute a war in its support, in accordance with the most rigid rules of civilized warfare; they, in their devotion thereto, may offer their lives a willing sacrifice; they may devoutly thank God for whatever of success attends their efforts; they may offer up long prayers to Him for His blessings, and for the triumph of their arms; they may keep the solemn fast; they may do all these, and a thousand fold more, and yet merit the righteous condemnation of both God and man. And this same rule applies to our own cause, the cause of our Union, which of all our earthly, is one of our most precious interests, as I view it. I care not, sir, what acts of violence have been committed; what families ruined; nor what amount of mourning and sorrow produced in the land by the Federal army, or by those in authority, it does not effect the great foundation upon which we stand—upon which our fathers built—upon which we believe this nation must remain, or sink into irretrievable anarchy and ruin. And when men tell us that they can no longer co-operate with those who labor to maintain the *Government*—that they can no longer uphold, or even attempt to uphold, the glorious old banner, because of some irregularities in the manner, and excesses in the means of supporting it; that when this, that, or the other act was done they forsook the cause, they as plainly tell us they never loved it, never sustained it as a matter of principle, and that in forsaking it, as they say, they are either following the dictates of blind passion, or the natural bent of an evil inclination.

But, sir, I have already occupied too much of your time, and will therefore endeavor to come directly to the consideration of the amendment. That we may thoroughly understand its effect, let us look briefly at the history of this rebellion in the State of Missouri. As far back, perhaps, as April of last year, if not earlier, the then Governor of this State was manifestly laboring to bring about a certain result, to wit: the destruction of the Federal authority within the limits of the State. In the month of April, civil war was actually inaugurated by the bombardment of Fort Sumpter; and from that time forth, the then Governor of this State, with his minions, who were many and very desperate, labored most assiduously to take the State out of the Union. So zealous and determined was he on this point, so lost to every consideration of interest, and all regard for the solemn obligations he took upon himself when he came into office, that we are told he said he "would take the State out of the Union, or take her to hell." Whether he ever made use of that expression or not, I cannot state; but it is a matter of no great consequence whether he did or not, as it is well known he did all in his power to bring about the former result, and in his efforts well nigh accomplished the latter. But he was the legally constituted and acting Governor of the State, and he had under his control her militia, and had the power to call them into active service. At all events, he did so, and thereby collected a considerable force, most, if not all, of which volunteered for as long a period as twelve months. I entertain no doubt that among those who thus volunteered at the call of the Governor were many truly loyal men—men who did not understand the plans and purposes which he had in view—men who believed they were in the discharge of a simple duty to their country, and who did not for a moment even suppose they were incurring existing penalties, not, perhaps, understanding the law of treason; much less did they expect to bring upon themselves future and enlarged punishment, as contemplated by this act. But it will be said, every man is presumed to know the law. This is true, although the presumption is rather a violent one. But it will not be insisted, I imagine, that every man knows what the law will be; yet this amendment almost implies as much. I hold that when a man commits an offence he is *presumed* to do so with an eye to existing penalties; and no earthly power can afterwards legally deprive him of a solitary farthing, or a solitary privilege, in consequence of the commission of the offence, except so far as was provided by the laws in force at the time it was committed.

The class that is to be affected by this ordinance and the proposed amendment, consists chiefly of those who, as before intimated, were, under the impulse of the moment, at a time of high excitement, and under the evil influences of demagogues and other bad men led into the service, from which they could not afterwards extricate themselves, however much they might have wished to do so. And now, in our action relative to this class, it occurs to me we should be careful that we do not commit an error which may, in the end, though well designed, be productive of irreparable evil. Few, if any, of those who were led into Jackson's army could have left that service at the time fixed by this amendment, unless they had done so by deserting. Having, then, been compelled to remain with him, and in a service which many of them, as I verily believe, had unwittingly entered, or to risk the consequences of desertion, it seems to savor somewhat of injustice to disfranchise them, admitting that we have the power. But it is on this point that the insuperable difficulty is presented to my mind. As before stated, I cannot divest my mind of the conviction that the Constitution of this State, and also that of the United States, stand in the way and forbid the adoption of the amendment. Upon this subject my views may be erroneous, but they are clearly settled, though I may not be able to sustain them by such reasons as will lead others to adopt them.

The proposition, as I understand it, is to disfranchise all who have been in arms against the Government since the 17th of December last. It must be manifest to the minds of all, if we impose this restriction upon the voters of the State, that we do so not out of mere caprice, but as a punishment for some offence of which a part of them are guilty, or at least are supposed to be guilty. It is true that it applies to all alike, to the loyal and to the disloyal, to those who have not been in arms as well as those who have. If, however, all the people were truly loyal, we would not, I presume, think of requiring them to make oath as to their loyalty in times past. I admit that it applies alike to all, but it by no means has the same effect upon all upon whom it acts, and it ought not, so far as its prospective operation is concerned; but quite a different question is presented when we come to consider its retrospective bearing.

The insuperable objection to this feature of the amendment is, that it is *ex post facto*, an in other respects violative of the Constitutio of the United States; or at least it so appear to my mind. If this be its character, there ca be no further controversy upon the subject, fo no one on this floor would wilfully violate on of the most important clauses in those instruments which we have all solemnly sworn w would support.

An *ex post facto* law I need scarcely define It is, however, a law which renders an ac penal or criminal which was not of that character when committed; or which makes th grade of an offence greater than when committed; or which attaches additional punishment to offences already committed; or whic punishes an offence in a manner, or to a extent, in which it could not, by existing law have been punished when committed. Th term has further definitions, but these ar sufficient for present purposes. It is insisted however, that this amendment is not obnoxiou to any of these objections, but steers clear o them all, and is merely a law defining th qualification of voters. Is this true? What i its real character?

All the laws that have hitherto come unde my observation defining the qualifications o voters, have related simply to their age, sex residence, color, mental condition, &c. In n instance, so far as I remember, do they disqualify a voter, even on account of a convictio for crimes committed; much less, of course, d they pretend to do so on account of any *presumption*, however strong that may exist, of hi having been guilty of crime. The knowledg of the fact that many of the citizens of thi State have been guilty of treason and misprisio of treason, time and again, does not in the leas affect the question.

We know that under the laws of this, and believe every other State, every man who convicted of treason, misprision of treason mayhem, malicious assault with intent to kil arson, burglary, robbery, or the like, an sentenced therefor to imprisonment in the penitentiary, incurs the disability which th amendment is designed to create; but observ the disability does not attach until after th conviction, and that it forms a part of th punishment imposed upon the offender; or made a consequent of the conviction, and is part of the punishment. The amendmen reaches the same end in a more summar manner. Now, it must be manifest that th restriction partakes not only of the nature punishment, but is in very *fact* a punishment—a punishment inflicted without the observance of any of those formalities required by our Constitutions and laws; or, in other words, "without due process of law;" without presentment, without trial, without the taking of any of those steps that have hitherto been regarded as indispensably prerequisite. But further, as to the *ex post facto* feature of the amendment. If the restriction should be imposed, it will, as before stated, not ~~be~~ out of mere caprice, but on account of something that we think has been done by those who will be affected by it, which we believe ought to deprive them of the right to exercise the elective franchise as in times past. They were once invested with this privilege, which, under our form of government, is of the utmost importance to every citizen. Although it cannot be said that the right to vote is a vested right, within the meaning of that term as commonly understood, yet it partakes very much of that character; and the citizen who has once enjoyed it cannot be denied its enjoyment, or be excluded from the privilege by a mere act of legislation defining the qualification of voters. If the proposition were to disfranchise all who shall hereafter take up arms against the Government of the United States, or give aid and comfort to its enemies, &c., I cannot perceive that it would conflict with any provision of the Constitution; and I would most cheerfully support it, but in view of its retrospective operation I cannot.

We are about to say, in effect, that a certain class of the citizens of this State, who have hitherto enjoyed the elective franchise, shall enjoy it no longer. And why? Not because they are not forty years old; not because they have not resided in the State seven years, or were not born in the United States, as might be provided in a law defining the qualification of voters; but because we believe, correctly, beyond all doubt, that they have been guilty of treason in some of its forms. Now, although all who have incurred this guilt might be punished under the laws of the United States, and of this State, if arrested and brought to trial, (and many of them deserve the utmost penalty of the law,) yet there are many hundreds of the number who when convicted could only be punished by fine. It will not be contended that any of this latter class would, in consequence of such conviction and fine, be disqualified as voters. Nor will it be denied that an act of the Legislature, which might have been passed at any time subsequent to the commission of the offences of which the parties were thus convicted, attempting to enlarge the penalty for the crime by adding to the fine, the disqualification contemplated by this amendment would be pronounced unconstitutional and void; and *that* because of its being *ex post facto*. It would clearly be an enlargement of the punishment, created after the commission of the offences; and in all these cases would be utterly inoperative, though prospectively it would not.

We, sir, are attempting to do what all the courts of the country, aided by all the Legislatures, could not do; we are attempting to punish before conviction, without trial, without any of the established forms of law, and to an extent and in a manner wholly inadmissible when the supposed guilt was incurred; and we innocently tell the world that we are simply defining the qualifications of voters. It may be so, but I cannot so regard it.

Of the many crimes punishable under the criminal code of this State, there is but a small proportion wherein the Legislatures appear to have thought that conviction should be attended with disfranchisement as a part of the punishment. Treason, in all cases in which the offender upon conviction is punished by fine, does not belong to the number. We, however, more wise than they, are about to say this shall be a part of the punishment, and that it shall be meted out before conviction or trial, and even before arrest; and may be inflicted on all without reference to the time of their offending; though, for certain reasons, we will exempt all the sinners prior to, if they have not done so since, the 17th of December, 1861. We impliedly say that we have the power to go back indefinitely in this matter, but do not choose, at present, to go beyond the period indicated.

I am aware that we have very great power; that we can alter and amend the Constitution of our State, or that we can abolish it and make a new one if we deem it advisable; and that we can repeal statutes and make laws, and do a great many other things; but there is a limit to our power. We certainly cannot, in changing and abolishing the laws of the State, impair in the least any one of the provisions of the Constitution of the United States, nor can we deprive a citizen of this State of a solitary right or privilege which he, as such, has acquired under the laws now or heretofore existing. This, I think, the amendment attempts to do, which is another objection to its adoption.

But suppose I am mistaken with regard to the effect of this amendment—suppose it does not at all conflict with the Constitution of the United States, and does not interfere with nor disturb any of the rights and privileges that citizens have acquired under the constitution and laws of this State, and gentlemen of known ability and integrity, in whose opinions I have the utmost confidence, tell me it does not. Suppose they are right and I am wrong? Another question then arises, and that is as to the policy of the measure. Will its effect be productive of peace to the people of our State? Will it exert a good or an evil influence upon them? These are questions worthy of careful consideration. I doubt not, as I remarked in the outset, that our main object is, as far as possible, to restore peace, and law, and order to our people, and to harmonize the discordant elements that exist throughout the State. I presume we have not come here for the purpose of building up any particular party, nor of laboring in the interests of any cause, save that of our State and country, which rises far above all party interests and party considerations, and increases in importance as its perils multiply. I would not give the dust that cleaves to the soles of my feet for the patriotism and loyalty of that man who, in such an hour as this, would come forward and labor for mere party or individual aggrandizement. The time has been when this was permissible, or, at least, was permitted; but it is gone, and the period has arrived when good men will ignore individual and party interests, and former party affiliations, and unite their hearts and energies in their country's cause.

Our purposes and desires are to promote the best interests of our State and country. How we may best do this is an important question. Will the amendment under consideration, even if obnoxious to none of the objections urged against its constitutionality, be productive of good? Upon this subject I believe almost every gentleman present, who has preceded me, has had a great deal to say, and, it appears, there is a great diversity of opinions in relation to it. Strong arguments, both *pro* and *con*, have been urged as to the policy of the measure, and the subject has been quite exhausted. Admitting, for a moment, that it is entirely clear of constitutional obstacles, I must say I am not satisfied as to the soundness of the policy. It has occurred to me that when we undertake to disfranchise a large number of the people of the State, as proposed by the amendment, we should consider long and thoroughly as to the probable effect of our action, and carefully weigh all the circumstances which induce us to believe it necessary. It was a grievous error in the minds of some, and fault in the hearts of others, which led them to enter the army and follow the lead of Jackson and Price. But having gone into the service in an evil hour, when, overwhelmed by evil influences, they took the military oath prescribed by the Legislature of our State, from which they could not absolve themselves, and linked their destinies irrevocably, for a time, with those of the man who has done more to ruin our State than any one who has ever lived within its borders, him they were then compelled to follow, and his mandates they were obliged to obey. Shall we now tell these men, and others who will fall within the scope of this amendment, amounting in the State to more, perhaps, than 40,000, that they shall no longer go to the polls and have a voice there in the choice of their rulers? Shall we tell them they are no longer entitled to the full privileges of citizens? Surely this looks like bad policy. May it not, nay, will it not, probably, produce discontent and create an element of discord in many parts of the State, that will tell most fearfully upon her future interests and peace? Such are my apprehensions. I think, therefore, that if we conclude to require an oath of the voter, it would be wise to make it wholly prospective. A full and unequivocal pledge as to their future loyalty would, I think, be sufficient; and I assure you this, in my opinion, is all that will result in any lasting good.

I *have* thought it would probably be the best plan to leave the voters untrammelled with oaths, and to require all candidates and applicants for office to take an oath so stringent in its terms that it would admit of no kind of question as to their loyalty, either present or future. If this could be done it would obviate a great deal of inconvenience and delay at the polls, and would always secure the services of loyal men in the Legislature of the State; and, in a word, in all the offices within the gift of the people and the Executive of the State. I am aware of the fact that these views differ from what a majority of the members of this body regard as the true line of policy; but I honestly entertain and present them, sincerely hoping they may be received in that spirit of kindness and forbearance in which they are offered. Should they be productive of evil, I shall ever regret having uttered them; but if of good, in any degree however small, I shall rejoice. The subject is, to my mind, as difficult as it is important, and I have not approached it without realizing to a painful extent the responsibility that rests upon us individually and as a body, by reason of the relation we sustain to our State and country in this hour of darkness and peril. May it be our happy fortune to know that the tendency of our action here has been to remove the evils that now afflict the land, or, *at least*, to know that they have not thereby been increased.

Mr. **Busch**. When a similar question was forced upon us last week by the gentleman from Greene, similar of course only in principle, I had not one word to say upon the subject, but yielded cheerfully to other gentlemen far more eloquent than I am. I have but a few words to say upon this proposition, and certainly it is not in my power to command such eloquent words as the gentleman who has just taken his seat. I desire that this amendment should be inserted, and I wish merely to give the reasons why I so desire. We have heard it asserted, again and again, that this action would engender strife, war, and disturbance of the peace. The views of men have little weight with me, because you remember in July last, when we were changing the entire government and when we placed in office this Provisional Government, they predicted some of the most fearful consequences and troubles; and now this very day these gentlemen are back here, beseeching us to retain the Government and leave it undisturbed. The gentleman says we would exasperate the rebels, and that, while he had no sympathy with treason, he had sympathy for traitors and the meanest of God's creation. What lack of sympathy, I would ask, is there on our part in refusing them for a time the high privilege of Southern rights? I confess I have no such sympathy, least of all with those who have so unmistakably expressed their peculiar sympathy for me and for thousands like me, whom they call Hessians, and whom they hate for protecting and defending this very Government which they want to destroy. I have none with those who have officially given notice from every quarter of this State that they would drive us and our families out of the State and take our lives. I have no such sympathy, and I undertake to say a large portion of the American people have not manifested any such sympathy for these men, and I believe that this fear of offending and exasperating traitors is a sickly sentiment. And, Mr. President, I have but one more word to say. If these traitors are to be brought back into the State to vote loyal men down, the particular class who have been denounced by them as Hessians and who have helped to whip these same traitors, will also meet them at the polls and help to out-vote them.

Mr. **Allen**. I, sir, am in favor of imposing the restrictions in the report of the Committee upon office-holders, and shall vote for that proposition. I am, also, for imposing restrictions upon the voter. I voted against the proposition and in favor of the amendment previously offered, from the fact that it was not in harmony with the action of this Convention last October. The amendment proposed by the gentleman from St. Louis, that makes it date on the 17th of December, is not in conflict with the action of this Convention at its October term. My friend on the left proposes as an amendment to the amendment the 10th of June, which he proposes to offer on the first favorable opportunity. I am willing to vote for the amendment offered by the gentleman from St. Louis, and if that fails, I am willing to vote for the amendment of my friend on the left. I was not in favor of going back behind our work last fall, and the amnesty that was then offered by the Convention to those who had taken up arms against the Government, and I am not disposed to do anything that will conflict with that, and the amendment of the gentleman from St. Louis does not conflict with it; and I am for imposing some restrictions upon gentlemen who have taken up arms against the Government. It is true, Mr. President, that many who are in the first place called into rebellion by the leaders and demagogues of the country, have become satisfied of their offence and have returned home, determined in the future to be loyal citizens. Such this amendment will not affect, and to such of those as have manifested by their conduct their penitence and are willing to be loyal citizens, I am willing that, by simply taking the oath, they should have the right to vote; but those old hardened sinners that have been determined to break up the Government, I am for holding them in check, at least until our difficulties are settled. I was at a loss to understand my friend from Jackson when he expressed his doubts with reference to passing this amendment, on constitutional grounds; but before he concluded admitted that the Convention had the power to alter the Constitution of the State. Now, I think, as far as qualification of voters is concerned, that the Convention has the right to determine that.

Mr. Comingo. Did you understand me to say that we had the right to change the Constitution and deprive gentlemen of rights that existed under the Constitution before the passage of the ordinance changing it? If so, you misunderstood me.

Mr. Allen. So far as fixing the qualification of voters, as I before remarked, I think the Convention has the right to do it under the Constitution. I am not, however, a Constitutional lawyer. But, sir, that proposition, as I understand it, takes effect from the 17th of December, and all who have taken up arms since that time are denied the right of suffrage, and I hold, sir, under existing circumstances and under the surrounding history of the contest through which we are passing, that they ought to be held in check. There are a great many young men, it is true, who have been induced to go into this thing, but I ask you how long they have had time to consider upon the subject. Ever since the rebellion was inaugurated. Since the first call by Jackson and Price upon the State of Missouri, they have had until the 17th of December last to counsel and consider this matter; and the man that has not yet sense enough to consider a matter of such magnitude as that, after having so long a time, ought not to be entitled to vote anywhere, especially during the existence of our present troubles. When I came to this Convention, I came here feeling that I would vote for a proposition that would prohibit any man who had taken up arms against the Government from holding office in the State and from voting during the existence of our present troubles; but, after consulting and reflecting with reference to the ordinance passed in October, I thought it was most advisable for us to adopt one that would take effect at the expiration of the amnesty act. I know there are a great many men all through the country who have been induced to go into this rebellion, but who have come to their senses and seen their folly, and many of them have returned home and acted like men. But last winter some of Col. Tindall's men came home on a furlough, bringing their arms with them. In the neighborhood there were some secessionists, who went and captured these men, and took their guns away from them, and went off South. One of the number, however, considered the matter all over, and was satisfied that he had done wrong, and that it was a mighty bad thing for a man to be in rebellion against his Government; and he just started right back and gave himself up, and said he was determined to take the oath and be a good and loyal citizen. Now, when a man will act on that principle, I contend that he should be entitled to the right of suffrage. There are such cases as that. But the gentleman remarked that the people all through the country are becoming satisfied that this rebellion will not win and that they are for peace. They remind me of old Fagin. He said he had just as good a wife as anybody, but he had to whip her every day to make her so. They find the rebellion won't win. It was proclaimed a year ago that rebellion would not win, and that it would never do for Missouri to take up arms. We told them so, but in spite of this they would go into rebellion, and after the lapse of so long a time many of them are still disposed to run into ruin, and now we will hold them until the troubles are over. That is the way I feel on the subject.

I wish to refer to one or two things while I am up, as I do not expect to address the Convention again. There is an inclination on the part of some radical men to charge a man, because he is not in favor of a particular set of views, as being favorable to, or as sympathizing with this rebellion, or, in other words, a secessionist. Now, I think that is wrong. I have opposed measures here that would, perhaps, place me in that category; but I can say, before God and this Convention, that there is not a drop of disloyal blood in my veins, and my course has indicated that. I have been connected since these troubles commenced, or for a year, engaged in the publication of a Union paper, and I know there has never been a disloyal *sentiment* breathed through its columns since I have been connected with it. I know that, because I have opposed the introduction of a resolution into this Convention on emancipation, that I may be by some radicals regarded as favoring secession principles—or possessing those proclivities. My object has been, and shall be until our present difficulties are settled, to avoid the agitation of any question calculated to distract the Union party in the State of Missouri. Whatever may have been the desire of the Convention on that subject, I know it was my object to keep down strife in the Union party in the State of Mis souri. It is urged that this question will be thrust upon us, and I have no doubt there are radical men who will use every means to force it upon the people. We, as a body, have hitherto acted upon conservative principles. We have acted in harmony during the troubles in our country and through which we have passed, and I feel in hopes that during the existence of our present troubles we will continue to act in harmony. I must say, however, in justice to my friend from St. Louis, that the proposition introduced by him had a fairness about it that would have recommended itself to the faithful consideration of the people of Missouri; but I hold that this is not the time to investigate that thing, and I do hope that nothing will come up in this Convention to mar the peace and fraternal expression that has hitherto prevailed. Now, Mr. President, in regard to this proposition, I shall vote for it. The man that is disposed to persist in his sympathies with the rebellion, ought not to have a voice in saying who shall administer the Government of the State of Missouri, or who shall make the laws. He has forfeited all right to protection under the Government of the United States, and he ought to be satisfied if we are willing to receive him back, and, under certain contingencies, allow him to remain here and not vote. We expect loyal men to govern their country hereafter, and none but loyal men.

Mr. SHANKLIN moved to amend by striking out the 17th December, 1861, and insert June 10th, 1862. I offer that amendment because I think it will be considered as a compromise measure; it at once robs the ordinance of its retrospective features. It is calculated, however, to exclude all those hardened sinners who are still in rebellion.

Mr. BRECKINRIDGE. I wish to address the Convention.

The VICE PRESIDENT. I believe we have a rule that no gentleman shall speak a second time until all others have had an opportunity to speak once.

Mr. BRECKINRIDGE. I only ask to reply very briefly to the argument of the gentleman from Jackson.

The VICE PRESIDENT. The gentleman must confine himself to the amendment offered by the gentleman from Grundy (Mr. Shanklin).

Mr. BRECKINRIDGE. I will not be confined in that way, but trust to the courtesy of the House hereafter.

Mr. IRWIN. I do not desire to detain the Convention but a few minutes; but, sir, I desire, before I cast my vote on that proposition, to make a remark or two. Now, sir, it seems to me the impression of gentlemen in this Convention that the object of restricting the right of suffrage, as proposed by the amendment offered by the gentleman from St. Louis, is to inflict punishment upon those who have been in open rebellion against the Government of the United States, and the Provisional Government of the State of Missouri, is a mistaken one. I hope, sir, that there is no member of this Convention who would at a time like this be actuated by any such motive. I come not here, sir, to inflict punishment upon any man who has been engaged in the existing rebellion. I came, as I hope, sir, actuated by a higher, nobler purpose. I came here, sir, to legislate, to act and to speak with direct reference to the safety of the State; and I hold that, leaving out of question entirely what those who have been engaged in rebellion deserve as to punishment, the safety of the State requires that there should be restrictions placed upon the right of suffrage. I hold further, sir, that the safety of the State requires that those men who have taken up arms and levied war against the Government of the United States, should be denied the right of casting their votes in the election of officers at the approaching election. Now, sir, I am of the opinion that if an election takes place for State and County officers on the first Monday of August next, that unless this restriction is placed upon the right of suffrage, you will have in this hall next winter a disloyal Legislature. It may be said if the members of the next Legislature are disloyal, the United States Government and the military power can interfere and prevent disastrous results that might follow the legislation of that body. But, sir, I for one, as a member of this Convention—I, sir, as a citizen of the State of Missouri, never want to see a state of things of that kind again existing in this State. I deprecate it; and if there was no other reason to induce me to vote for a measure of that kind, the bare possibility of such a state of things in the future would be sufficient to induce me to cast my vote in favor of this amendment. Now, sir, I do not know as much about other sections of the State as I do about my own. I live in a county that, save one, has, perhaps, a stronger Union element in it than any county in northeast Missouri, and yet I believe to day that if an election is held on the first Monday in August, and this restriction is not placed on the right of suffrage, that those who have heretofore been in sympathy with this rebellion can elect the man of their choice to represent Shelby county in the next Missouri Legislature. And this I believe to be true, and if it is true in regard to that county which, as I have said, has a stronger Union element that any other county in North Missouri, it must be true in reference to a majority of the Convention in this State. Now, I tell you I do not want to run any such risks. Missouri to-day is loyal, and I want her to remain so. With these restrictions placed upon the right of suffrage, I am of the opinion we run no risk in holding an election on the first Monday in August.

But there is another thought. It may be said if you pass this amendment, and place these restrictions upon the right of suffrage, and disfranchise a portion of the citizens of the State, you will fail to reach the worst men in the State; that you will fail to meet the class of men who have done more harm, and exerted an influence more deleterious, than those in open rebellion against the Government. I admit it, sir; because I hold that that man who has stayed at home working behind the curtain, exerting all the influence which he possessed to induce others to take up arms and engage in open rebellion—that man is ten-fold more guilty, and infinitely meaner and more contemptible, than the man who has shouldered his gun and gone into the rebellion. The man who has thus taken up arms has given some evidence of his sincerity; but the man who has stayed at home and exerted a secret influence, doing no overt act that would render him liable to be arrested by the military authorities; that man has proven himself to be a traitor at heart, and yet not having the courage to prove his sincerity by his works. I may remark, further, that if there was any practical mode of getting at these men, I would go for disfranchising in this indirect manner; yea, even directly, sir, every man who has even sympathized with those men in rebellion. Sir, it has been clearly shown that there are no words that you can use, in a legal signification, that will reach men of that character, and as we cannot reach them, and as we can reach the men who have been in open rebellion, let us go as far as we can in order to secure the safety of the State. It seems to me we should be satisfied that, if the safety of the State required, then restrictions should be placed on the right of suffrage; that then, as men representing this great State, as men upon whom a responsibility rests greater than upon any other deliberative body, we should be prepared to act regardless of the effect it will have upon us as citizens of Missouri. Whether you or I sink or swim during this contest is a matter of small consideration. I therefore hope that the amendment, as offered by the gentleman from St. Louis, will be passed.

Mr. SMITH of Linn. It has been often announced by the chair that gentlemen could explain their votes prior to calling their names, and I desire to give the reasons which will induce me to vote as I intend at the proper time. I shall not attempt to discuss the constitutional right of this Convention to pass this ordinance. With all due deference to those gentlemen who differ with me, and have constitutional objections, I believe they are unfounded, and I presume that this Convention is now fully satisfied that this power and this right are clearly established. After the Governor of the State, the Legislature, and other officers, for conduct committed prior to their deposition—after prescribing the oath to all men who were in office, and deposing them when they failed to take the oath prescribed—I suppose that the Convention at this time is fully satisfied that the right and the power to prescribe this test to the voter exist beyond question.

I look upon this proposition, Mr. President, as the most important proposition that has been presented for the action of this Convention, or that, perhaps, will be presented. I have listened with patience and with great attention to the arguments of the gentlemen who oppose the adoption of the amendment proposed by the gentleman from St. Louis; and, to my mind, if their statements and declarations are generally true, then all these are the strongest reasons why we should adopt this amendment. The gentleman from Jackson (Mr. Comingo) says nothing can eradicate the virus of secession from the hearts of those who have engaged in the rebellion, and yet he says he would allow them to come to the polls side by side with men who have never faltered in their devotion to the Union. Sir, I don't understand such contradictory philosophy. If what the gentlemen from Jackson and Monroe have said be true, it is a conclusive argument why this amendment should be passed; and what they have so emphatically declared stands uncontradicted by any other gentleman on this floor, except the gentleman from Clinton (Mr. Birch). That gentleman stated broadly, in terms that could not be misunderstood, that men from Price's army had returned home, and were now as loyal as himself. Sir, if any other gentleman had said this—that men who had openly, and in the face of the country, taken up arms to put down the Union and destroy it—men with the dust of battle against the flag of our country still upon them, were as loyal as the gentleman from Clinton (Mr. Birch)—I should have pronounced it a slander; but when he says so himself I have no right to deny it. Sir, what would you think of me if I were to say that the man charged and convicted upon his own confession as a horse thief was as honest as other men who never did steal?

Mr. President, the gentleman from Clinton, in his remarks read to the Convention the other day, said he had not helped secessionists, but had only tried to get them to help him. This fact, perhaps, may have led him to remark that a traitor was as loyal as he was; and such remarks as these, Mr. President, lead me to believe that it is unsafe to permit an election next August, without we restrict the voters—without we restrict those men who have rebelled and taken up arms against the Government; for, as remarked by the gentleman on Saturday, although you may impose restrictions upon each candidate—although you may require him to swear to anything that one would suppose would answer—yet, sir, from the declaration of the gentleman from Clinton, and from the manner in which he has been acting, and pandering to the rebels, in my judgment it is unsafe to risk an election, unless you restrict the voters.

Mr. President, the effort with some gentlemen seems to be all the time to conciliate traitors. Indeed, they seem to think there is no one to be conciliated but them. They forget that there are Union men in Missouri to whom, as between classes of men, we owe our highest and first duty. Now, sir, at the beginning of our troubles the Union men everywhere used to beg the secessionists to forbear; to be conciliated; but, sir, they would not heed our appeals for peace, until we took up arms and conquered a peace. And now, sir, we are complacently told we must not "exasperate" but conciliate these same traitors whom we tried to conciliate before our troubles began. Sir, I do not doubt for a moment that these men would be eminently "conciliated" if we would turn over to them the reins of government and allow them to rule! I want the gentlemen here who have such tender sympathies for the men just returned from Price's army, to tell us what condition of affairs we would have if these objects of their intense sympathy should ever get the power of our State government in their hands? Would we have peace? Would we have conciliation and Union? Far from it. Sir, I remind gentlemen that there are others besides rebels who have claims upon our sympathy, and whom we should conciliate. Sir, I represent Union men here, and I know full well where they would place me, if I were to vote against this amendment. They would place me, and I think justly, too, with rebels and secession sympathizers.

Mr. President, I have risked too much already by indulgence, and by sympathy for these traitors. Now, when we have forced them to acknowledge our power and to lay down their arms, I say we have suffered too much to be willing, after they have failed to whip us and conquer us, that they shall come in now and grasp the civil offices and rule the loyal men of Missouri. I am unwilling to risk them. I am willing to do them justice, and to treat them kindly, and to see that they are properly protected in person and property, and I think that is all they have a right to ask, especially at this time. It would be wrong, in my judgment, to let one single one of them vote. This proposition does not go as far as I desire. My wish is to exclude every man who has taken up arms against his Government, and make no distinction; because, sir, when this Convention, by an ordince passed at the last session, asked them to return home and lay down their arms, it made no promise that they should have the right to hold office. It only promised them protection; it only guarantied to them an amnesty against further prosecution. Those who returned within that time are entitled to that amnesty, but they have no right to claim or demand of us one single privilege that those who have been loyal can claim. I shall, therefore, vote against the proposition of the gentleman from Grundy, and vote for the amendment of the gentleman from St. Louis.

Mr. Birch. The members of this Convention will bear me testimony that I have not sought this discussion, and that I have thus far declined to participate in this controversy; but I have no right to further pursue such a course, after the speech of the gentleman from Linn, in which I am made to figure so conspicuously. I shall, therefore, be compelled, in justice to myself, to speak a few words, just as they occur to me. I cannot better answer the gentleman's proposition than by recurring to the fact that this, in a very essential degree, is a war of *opinions*. Sir, the most astute people in the country—many of them, also, as upright as the rest of us—have argued the right of a State to secede, sincerely believing it to be true. I repeat, that idea has been embraced by some of the greatest minds of the country, especially that portion educated in the Southern schools; and they hence teach it to others as the true construction of our form of government, that a State has the right to secede, as so many have done. Others believe that the State has a great revolutionary right going beyond all constitutions, and that it may become its very *manhood* to secede from the Government of the Union; and it is within your memory and mine, Mr. President, that these arguments were plied with the utmost zeal throughout this State. It is, indeed, but simple justice to the very rebel to whom the gentleman has alluded, to add that even *his* mind is so constituted that he believes in his heart of hearts that it is part and parcel of the *Constitution* that a State has a right to secede, and many of the young men of my county have followed him into his regiment with that belief.

I throw out, of course, the arch-traitors who have simply availed themselves of an opportunity in such a crisis to carry out what they had been plotting for years; but I repeat, sir, that the opinions of the great body of the people of the South are based upon the theory I have alluded to; and that this war, therefore, in the main aspects, is, so far at least, a war of opinions; that, in all the proclamations of the Confederate Generals, they address their soldiers as men who are fighting for their independence, their rights, and all that,—a proposition which I need not, of course, either controvert or elaborate, inasmuch as it is but intended as a preliminary or foundation for what I may say hereafter.

My friends will bear me record that while the gentleman seems to impute to me that I am seeking the votes of these men by pandering to ——

Mr. Smith of Linn. I was only quoting the gentleman's own words.

Mr. Birch. I do not take it with discourtesy, as I readily allow all latitude belonging to a politician, in which position circumstances have placed me. I was going to say that, having been a prisoner of war for a few days on Sac river, I deem it a duty to the State, and to my constituents, to recur, very briefly in this connection, to what I learned in that camp. It suffices to say, therefore, without the violation of any rule of propriety, that I met men there who had never heard of our proclamation of amnesty, and I have reason to believe—I will not say I know it,—but I have reason to believe that it was *excluded* from the rank and file of Price's army. At all events, I did not meet a soldier there, who had been there all the time, that had ever heard of such a thing. So much for that, in opposition to the amendment of the gentleman from St. Louis; and for which reason, I shall support the amendment to the amendment. I met others who had heard of it, and a portion of those who carried me out there, told me frankly that it was their purpose, as soon as their term of enlistment expired, to return home and become good citizens, and they have done so. These men came to know that we were magnanimous and soldier-like and forgiving, and three of them from my section of the State declared their purpose to come home as soon as the term of their enlistment expired, and they did so. Yet, this amendment would compel these men, who are now at home cultivating their fields, to swear that they had not *been* in Price's army. Mr. President, I have reason to suppose that all through the State there are men who would be similarly and wrongfully excluded by this amendment, as I will read presently from the Missouri Democrat, which I picked up in the Provost Marshal General's office, where I had the honor of being invited some time since. But further: it happened that Brigadier General Price was brought a prisoner to St. Louis, while I was in that city last spring. His captor was a magnanimous soldier, who extended to him the freedom of the city, and he came to see me at the Planter's House. He had a conversation with me, and it suffices to say that I came to the conclusion that if he were allowed to go home to his family there could not only no *detriment* result to my Government, but that it would have a better effect than the arming of a battalion of sharpshooters. I went, therefore, to General Halleck; told him what I knew in regard to the case, and subsequently put my statement in writing. I but add, Mr. President, that Price was not only paroled and returned home, but that, in the spirit of a true soldier, his sword and his war horse were restored to him.

I will now read from the Democrat what I can but regard as at least a verification of the opinion I expressed to General Halleck and which may have had at least *some* influence upon his treatment of Price:

"*Price's Soldiers Returning Home.*

"A gentleman who has spent several months in Howard and adjacent counties, informs us that hundreds of Price's men who went from that portion of the State are returning home, glad to take the oath of allegiance and give bonds, as the condition of release. He states that the number of such is estimated at upwards of three thousand. They declare themselves sick of the rebellion, sorry they went into it, and anxious to see peace re-established."

It is thus seen upon the authority of the *Democrat* that in the military district in which resided the General who was so magnanimously released by Halleck, three thousand soldiers have come *home* and are now *Union* men. Yet it is proposed by this amendment to disfranchise these three thousand men, who, the *Democrat* says, are even *anxious* for peace! *Will you do it?* We will see, Mr. President, when the ayes and noes are called on the passage of this amendment. Here are three thousand of these men from a single district. Who can tell how many there are from others? These men, or many of them at least, were doubtless inveigled into this war upon the false theory of State rights. They were taught to believe a State had a right to secede when she deemed herself wronged. Yet these men are again at home, and, in the very language of this article, are *anxious* for the restoration of peace. It is of such men as these I speak, when I concede that, for aught that appears to the contrary, they are now again as loyal as I am—a declaration I am not ashamed to repeat, and will not, of course, retract. I believe they were mistaken, and are now convinced of their mistake, and have honestly come to the conclusion that secession was wrong. Let gentlemen, therefore, make the most they can of that declaration. There is more of this paragraph from the *Democrat*, but it is not pertinent to this investigation. It relates to another class—to those who have staid at home, and have not gone into the army—and which need not, therefore, be here recited. I was going to remark, Mr. President, that these men are presumed to have returned home, and accepted Gen. Halleck's oath, which was our own Convention oath. The legal presumption is, they came home with the idea of taking this oath, and they have taken it, and are now in the discharge of the duties of good citizenship, and yet it is proposed to exclude them from the *rights* of citizenship. Now, Mr. President, take the district that has been alluded to as an average; how many men in the State would be excluded? I think it proper in this connexion to apprise the Convention that there was a class of men who were being enlisted for three months' service, when I was in Price's army, about the middle of last November. There was a class of men whose terms of enlistment would expire in one month, two months, three months, and, I believe, a half a month; and that many whose terms thus expired, instead of going into the Confederate service, as Hughes did, and, as the papers informed us, five thousand others did, came home in February, and at other times, and are at this moment peaceable and loyal citizens of the State, yet who, by the terms of this amendment, are to be *disfranchised* of the most sensitive *right* of citizenship.

A word, Mr. President, in relation to what has been so often alluded to here, as to the danger of electing disloyal men to office. I have no doubt that in parts of this State, and I hope there may be *many* parts of it—in every county, indeed, I trust—that citizens may be elected to the various public employments, high and low, who *are* disloyal in the sense which I spoke of yesterday, and who are, consequently, *loyal* to the State and *its* institutions as well as to those of the *United States*. The class of men I spoke of are disloyal in the sense alone to which fifty-two of us committed ourselves in the vote we have already given upon a proposition similar to the one now pending; and it is trusted that every county in this State will elect men disloyal in that respect. And while I cast no imputation on the judgment of the committee, I believe, nevertheless, that the main purpose of this *disfranchising* proposition is to disfranchise men who are now as true and loyal to the Government of the United States as they ever were, but who are at the same time true and loyal to the institutions of the State of *Missouri*; and intend, if their votes can prevent it, not to see the State *abolitionized*, as the effect of the coming elections. I will add, while I am up, that if gentlemen will bring forward a proposition with reference to men who are in the *Confederate* service, and who went beyond the requirements of our State law, as General Price and others have done, I will vote for such a proposition. I have no sympathy with those who are trying to overthrow the Government of the United States; and let gentlemen bring forward a proposition to exclude *them*, and they will find me ready both to discuss it and to vote for it. My theory is, that if I am wronged by the Government of the United States I will not *break up* that Government, but will seek to obtain my rights *under* it. This is my theory; and I have turned it over so fully in my mind as to feel reasonably certain that I shall remain *forever* loyal to the Government of the United States, but it is to be the Government with *all* its guaranties of "life, liberty, and property."

My opinion of the class of men who, the Democrat says, have "seen enough of the elephant," is, that they will seek, as sedulously as the most intelligent and steady Union man can, (because their experience has satisfied them of their past errors,) to find and place in the offices in the gift of the people such men as will hold the State to her appropriate national moorings. That is certainly what I would do myself, had I been found in error, namely: seek to place in office the man who I believed would the most sedulously avoid even an *advance* in the wrong direction. There may be bad men whom we cannot reach, but that is not the question here. The question here is the great wrong that will be committed upon men who are deemed to be good men—three thousand in a single district, according to the *Democrat.*

Mr. Phillips. I ask the gentleman from Clinton if he believes 3,000 men have returned to that district, or that 3,000 men ever went from that district into Price's army.

Mr. Birch. I have no authority except what I have read.

Mr. Phillips. Does not the article in question state it as being the declaration of men returning from Price's army, without giving an opinion as to its truth or falsity?

Mr. Birch. I will read it again, sir. [Mr. Birch again read the paragraph.] Now here is a gentleman, a friend of the *Democrat's,* and who evidently had means of knowing, who states that the number was estimated at 3,000. Of course, if he had thought otherwise he would have stated, "my opinion is, there are not so many." But this information is derived from a man reliable enough to be quoted as authority by the *Democrat.*

Mr. Hitchcock. I will ask the gentleman to read the whole of that article.

Mr. Birch. I will do so:

"He says the disposition of this class is far better than that of the malignant promoters of rebellion, who, themselves staying at home, prompted ardent and inconsiderate young me to join the rebel army. These malignants ar bitter and unrelenting, and some of them encourage guerrillas in their predatory movements, desiring to perpetuate the animositie and hatred they have been active in creating The men who have seen the elephant, "an had enough of it," return home better men and the influence of such in their neighborhood is most salutary.

"At all times we have looked upon the grea mass of the rebel soldiery as being far less guilt than their officers and instigators. The tru policy is one of clemency to the former, an stringent severity to the latter."

Now I submit, respectfully, that the gentleman's proposition is strangely discordant wit that theory. It is presumable that these me who have returned home have done so in th reliance that their adversaries in this Convention and elsewhere, were as magnanimous a they were brave, and for one, I trust, that th is no undue reliance. Sir, have we not alread strength enough in the *laws?* I but allude t the fact that I have myself been recently summoned before the United States Grand Jury in order to suggest that we have yet, as heretofore, within this State, judicial tribunal which are deemed adequate to the redress o every wrong and the punishment of ever crime. We have State courts, and State gran juries, United States courts and United State grand juries, and these tribunals are capabl of rendering *legal* judgment against any an *every* man against whom deliberate or lega *guilt* can be established; and, for one, I do no propose to go beyond the law as it was written It is upon this theory, as I think, that we may obtain a restoration of the Constitution and th Union, and it is for this that the gallant me who are sitting among us in military costume have come from their regiments, and will return to them again to fight. It is for the Union the Constitution, and the laws, that your son and my sons are fighting with them—thus guaranteeing that every free white man twenty-one years of age and not convicted o any infamous crime, may exercise the white man's right to *vote!*

I thank the Convention for the courtesy with which they have listened to me, and regret that circumstances have compelled me to say even the little I have said.

Mr. Breckinridge. I wish, Mr. President, to say a few words, and very briefly, in answer to the argument of the gentleman from Jackson, (Mr. Comingo)—who, I am sorry to see, is not in his seat at this moment—in which he expressed certain doubts in regard to the constitutionality of the amendment, which I have this morning offered. To my mind it is so clear that we have a perfect constitutional right to adopt this amendment, that I had really thought it unnecessary to say a word on that subject; but as I find one or two others here sharing the same doubts, I think it proper to see if I can put all such doubts at rest by one or two citations of undoubted authorities, and otherwise.

First, as to the Constitution of the State of Missouri. What is the extent of its power over this body? We have by the most solemn acts, reaching to the most radical extent, declared, by large majorities, over and over again, that the only limits upon our power are the Constitution of the United States, and our estimate of what may be necessary in this great National crisis to preserve the institutions of the State, and protect the people in the enjoyment of their rights as citizens of the Union; and that our duty required us to enact such measures, whether contemplated by the people at the time of our election or not, as were necessary to secure the public peace and the public safety. Upon no other ground can our action in deposing Governor Jackson, and in sweeping a traitorous Legislature out of office and out of existence, be defended, clearly right and necessary as that action was. The only question which a majority of the members of this body asked with regard to that matter was, "What does the public safety require?"—there being no hindrance to our action by any thing contained in the Constitution of the State since we were authorized by the character of the body itself, and even by the terms of the law under which we were elected, to deal with the organic law itself.

If, sir, we are obliged to go for instructions to the Constitution of the State of Missouri in regard to these matters, then have we clearly, frequently, perhaps constantly, disregarded our duty. Certainly a majority of the members of this body are not laboring under such a delusion as that.

But a part of the argument of the gentleman from Jackson was, that this amendment being retrospective, was in violation of the provisions of the Constitution of the United States, because it was *ex post facto*. Now, what, exactly, is the meaning of that phrase? What is an *ex post facto* law? It is the attempt to make that criminal which was not criminal when committed. That is the whole thing. It is perfectly simple, and, as it seems to me, perfectly conclusive as to the matter under consideration. But, rather than waste words of my own, I will read from a decision of the Supreme Court of the United States on that subject:

> "The clause in the Federal Constitution concerning *ex post facto* laws extends to penal statutes only, and does not extend to cases affecting only the civil rights of individuals."—*Calder & wife against Bull & wife. 3 Dallas' Reports, page* 172.

Again, in the case of the United States against Hall, 2d Washington's Reports, page 366:

> "An *ex post facto* law is one which, in its operation, makes that criminal or penal which was not so when the action was performed, or which increases its punishment."

Again, in the case of Society, &c., vs. Wheeler, 2 Gallison's Reports, page 138:

> "The clause in the Constitution of the United States concerning *ex post facto* laws does not extend to civil rights or remedies."

Authorities without number might be cited to the same end, but I do not think it necessary, Mr. President, to say anything farther in regard to that matter.

If I understood the gentleman from Jackson, (Mr. Comingo,) he admitted that this Convention might deal with the qualifications of voters so far as such action was prospective; and this, of course, I presume, no one will question. But he argues that the proposed amendment being retrospective, and determined in its application to the individual citizen by his past act, is *ex post facto*, since it attaches a penalty not denounced against the act when it was committed. Now, sir, in addition to the authorities I have already quoted, let me test the argument by asking a question. If this body should determine so to modify the Constitution, that whereas now voters are required to be but twenty-one years of age, in future no one should be allowed to vote who had not attained the age of twenty-five years,—I suppose my friend, the gentleman from Jackson, would not doubt its power to do so; and yet, would not this be, in one sense, retrospective? Would it not clearly be liable to the objection he makes to the amendment I propose, that it determines the right of any given person to vote, by facts occurring long anterior to the action of the body—by the time of his birth? Clearly, the objection has no force in the case supposed.

And yet, what more force has it in the case under discussion? It is proposed to apply to all voters an oath, and to allow none to vote who cannot truly swear that they have not taken up arms against the Government of the United States, or of the State of Missouri, since the 17th day of December, 1861. Again, sir, I do not understand that it can be considered in any proper sense of that term, a *penalty*. We simply declare, that whereas some hundreds or thousands of the former citizens of the State have been in arms against us, seeking to destroy our liberties, and the liberties of the whole people, they shall not aid us in administering the Government, nor in selecting those who are to frame its laws, or to execute them. We declare this, not as a punishment for the crime of treason—for death is the penalty of that crime, and God forbid that we should attempt to make treason so trifling a matter as to fix this as the penalty. But, even if it were a penalty properly, it does not enlarge or increase the punishment denounced already by the law. Surely, gentlemen must admit that as a strange perversion of constitutional law, which justly consigns the traitor to a felon's death, but leaves to him, by guaranties we cannot impair, the right to aid in moulding the policy, framing the laws, and administering the government, of a State and Nation he has sought to destroy.

The gentleman from Randolph (Mr. Hall) presented this matter, the other day, in its true light. He said, in substance—I cannot recall his words: We do not propose to punish these men in this way, but to take them at their word. They have left the State under the lead of the most notorious traitors, with arms in their hands, and with the fell purpose proclaimed that they were seeking to destroy the Government and its institutions. They have, by this very act, virtually declared themselves disfranchised. But gentlemen here, by the course of their argument, virtually say, we cannot accept their renunciation of the right to vote; that, notwithstanding their abominable crimes, we are driven, by the hard necessities imposed on us by the Constitution, to beg and beseech them not to say that they have cut themselves off ~~from us for~~ever! And we are asked to put into their mouth penitent words beseeching pardon; and then to put them on a level of perfect equality with every loyal citizen of the State.

Sir, I love mercy and magnanimity. We are taught by the blessed religion which some of us, I know, profess, and all of us ought to practise, to cultivate charity. But I have never understood as any part of its gentle teaching that we should be so eager to forget the crim and to forgive the criminal as to take him aga into our confidence while yet impenitent, o giving no sound evidence of true repentanc and provide for him new means with which t prosecute his evil designs against us, and ne weapons to thrust into our bosom.

Mr. ORR. Do you take the position that an criminal or penal code can disfranchise a ma without a trial?

Mr. BRECKINRIDGE. No, sir; nor do I thin any remark I have made tends in that direction. I say death is the punishment for treaso and is so declared by the law.

Mr. ORR. I was alluding to a remark mad by the gentleman from Randolph.

Mr. BRECKINRIDGE. I do not remembe the remark to which the gentleman fro Greene (~~Mr. Orr~~) alludes. Now, the me who have committed these acts of violence who have been guilty of this crime against th the nation and this State—call it by whateve name you please, I call it treason—have thu virtually declared that they no longer desir to be citizens of Missouri; but gentlemen, i the overflowing tenderness of their hearts—i the overpowering charity which seems to blin their vision—can think and speak only of thei vested rights as citizens. I spoke, a momen since, of charity. We ought to cultivate it: i is a noble virtue; but are we by any law, o dictate of charity, required to call these rebel back, and to put into their hands new weapon by which they may again strike deadly blow at our bosoms? I think not, sir. I do no think, when the laws of every State in the Union, and the laws of the United States, have delared death as the proper penalty for treason that a man who has sought distinction as a rebe leader, or as a rebel private, should be allowed t come back unquestioned and by simply announcing to the gentleman from Clinton (Mr. Birch that he is sorry for his conduct, that he is sick of the rebellion, and that he wants *peace*, be immediately re-clothed with all the rights that gentleman possesses, and with all the rights I possess. I would deal with them, as far as they have been misguided and deluded—as far as they are ignorant, and have been misled by able and crafty men—with all possible forbearance; and I am sure, if it be true that these men are actuated by true and honest impulses and purposes, and are sincere in their desire to return to their allegiance, they will be the last to complain that we have put upon them so light a penalty. They will be eager, rather, to prove by their ready acquiescence in whatever measures may be deemed necessary for the safety of the State, the genuineness of their repentance, and the sincerity of their purpose to atone for all the evils they have brought upon us. Show me a truly repentant traitor, and I will show you a person against whom I have no vindictive feeling whatever. Show me one who is truly repentant, and I will show you a man who will bow to the majesty of the law that says to him: "Come back among your former fellow-citizens, and receive and enjoy the protection the law gives to the best and purest of our people; come and repose under your own vine and fig tree, in perfect security, so far as any new penalty is concerned; but remember that your hands are polluted with your brother's blood, shed without a cause; that you have endeavored to destroy the best and noblest government upon earth; and that, for the present at least, it becomes you to be content with this—that, at least until we have tested the sincerity of your sorrow, you cannot share with those who have been always loyal the full privileges and responsibilities of perfect citizenship; that shame, seclusion, silence, better become you, than participation in the earnest but bloodless contests of free citizens at the polls." I am amazed that gentlemen should allow the tenderness of their hearts to lead them into anything that seems to me so perfectly vicious.

I wish, in response to a remark that fell from my friend on the left, (Judge Smith of Linn,) whose advocacy of my amendment I was glad to hear, to disabuse his mind upon one point. This amendment is not my choice at all. I would rather—infinitely rather—for every reason, that this Convention should determine that those men who have been concerned in the rebellion, *at any time*, should not vote at all; that those who have borne arms, and levied war against the Government of the United States, at any time, should thereby stand disfranchised; for I do not care to say that, up to the 1st of August, or up to the 17th of December, 1861, treason was so light a thing that we could readily forgive it, but that, after that, it became a serious matter. I do not like to say that; and if I can induce the members of the Convention to agree with me, I will most gladly strike out all dates, and let the exclusion apply to all past time. I have framed this amendment to go back only to the 17th of December last, because I feared from the opinions already expressed this body would not be willing, in any case, to go further. But, in asking what is here proposed, I am only asking what it is the clear duty of this Convention to grant. In asking this much, I speak no less for my own constituency than for thousands of loyal men throughout the State, and urge only what our own interest and safety clearly require. I simply ask this Convention to do what every firm and truly loyal man has demanded, and what is pressed upon us daily by letters, by petitions, by articles in the public press, and by constant expressions of popular opinion in every form. They have demanded even more than my amendment asks for.

There is another matter to which I wish briefly to allude. The gentleman from Clinton (Mr. Birch) has spoken of the amnesty ordinance formerly adopted by this body. I do not understand that that ordinance provides, in terms or by implication, that those who have have been engaged in the rebellion shall be clothed again with all the civil rights they have forfeited by their treason. I do not understand that any one can claim under it a right to vote. It provides only that those who, having been engaged in the rebellion, shall, within a given brief time after its passage, return to their loyalty, and comply with certain conditions, shall, so far as we have power to release them, be absolved from the fearful punishment their crimes deserve, and, perhaps, adds the promise to interpose a plea in their behalf to the Government of the United States. I do not understand that this Convention has ever announced that such persons shall be so thoroughly purified of all sin, as that their treason shall be straightway forgotten, and they re-instated in the enjoyment of all the rights of citizenship their acts have forfeited. We promised them security, and pardon for their crimes, so far as we had power to give it; but we did not promise that we would do anything towards the restoration of their rights at the ballot-box. But, even if it were otherwise, the proposition I have submitted in no way conflicts with it, for the time to which it applies is chosen because it is the very day on which, by the terms of the amnesty ordinance, the right to claim protection under it ceased. Indeed, sir, the opposition to this amendment indicates a disposition on the part of gentlemen to enlarge the terms of that amnesty, or to declare a new one. The one last adopted, as the Journals and the published Debates will show, was adopted against my vote and earnest protest. We have exhausted forbearance already; we have humbled ourselves, and the great people we represent, by the frequency and the importunity of our appeals to rebels (who continue to defy us, to deny our authority, and seek to destroy us) to return and accept pardon. The policy is bad—it is ruinous. When we have crushed the rebellion and restored peace, when not one rebellious arm is raised, or word uttered within our borders, and the just authority of the Government is fully restored, then, sir, we may indulge in pardons and in amnesties. But we have enough of them until treason is at an end. Will gentlemen never learn—will no experience satisfy them—that conciliation will not answer; that gentle methods, in dealing with traitors, are ruinous? I think we should be satisfied, sir, by this time, that, to use their own phraseology, to *let them alone*, is the very course to be pursued, if we wish to make traitors most violent and implacable; and that just in proportion as the arm of the Government rests heavily upon them, and punishment is certain, swift, and terrible, is their return to loyalty likely to be speedy and thorough.

Mr. ALLEN. Will the gentleman from St. Louis give way for a motion to adjourn?

Mr. BRECKINRIDGE. I thank the gentleman from Harrison, but I shall occupy but a few moments more, and I prefer to conclude now what I have to say. The gentleman from Clinton, if I understood him, seemed to be of the opinion that this amendment would cut off those who have renounced the rebellion and their pretended allegiance to the so-called Confederacy, and accepted our amnesty.

Mr. BIRCH. The gentleman is mistaken, and I cannot better correct his mistake than by repeating myself what I said. I said that our amnesty expired on the 17th day of December, and that there were many men in Price's army who never heard of it.

Mr. BRECKINRIDGE. Exactly; I was not much mistaken in the point I was endeavoring to make. The idea was this: that we had declared an amnesty to the persons with whom the gentleman from Clinton, in his imprisonment and confinement, was associated in the rebel camp. If they had not heard of our amnesty, no doubt he proclaimed it to them.

Mr. BIRCH. I will state, Mr. President, I only did so as far as I thought I might without violating any rule as a prisoner of war.

Mr. BRECKINRIDGE. I do not suppose or intend to intimate that the gentleman violated propriety in any respect.

Mr. BIRCH. When the subject was brought up by others, I spoke without restraint.

Mr. BRECKINRIDGE. I have no doubt the gentleman was most scrupulous in observing all his duties as a prisoner of war; but the point is urged that these men to whom this amnesty was declared, stated that, as soon as they had performed their terms of service, under Price and in the rebel army, they intended to come back and claim protection of this Convention against our violated laws, and the outraged Government of the United States. Now did ever the like of that strike upon human ear before? You promise an amnesty to a traitor in the midst of his treason! To which he replies: I am enlisted in this abominable business for six months or a year; but after my term of service has expired, then I will come home, ask pardon, and avail myself of your amnesty, and seek the protection of that Government whose citizens I shall continue to murder, and which I must seek to destroy, until the term for which I have enlisted expires.

Mr. BIRCH. I stated that it was out of the power of these men to accept our amnesty. They told me that they were enlisted, and could not get away; but as soon as their terms of enlistment expired, they would come back; and I said to them they had to do with a Convention as magnanimous as it was brave.

Mr. BRECKINRIDGE. I would not give one pinch of snuff, Mr. President, for the loyalty of any man who refuses to lay down the weapons of treason, and return at once. [Applause.] The idea is monstrous. That one in arms against the Government is offered an amnesty for past offences—sees his error—is willing to renounce it, and desires to claim the amnesty—and yet—and yet, upon a scruple of *honor*, I suppose—must serve out the full term he has pledged to treason before returning to loyalty. If he was likely to be subjected to danger by abandoning that service, disregarding his enlistment, and returning home, it is only one of the dangers his own guilty conduct has brought upon him. Will you declare that a man may serve out his enlistment, six or twelve months after he has heard of the offered amnesty, and that he may then be pardoned when he returns and says, "Here is my honorable discharge from a most dishonorable service, in which I continued long after I heard of your offered amnesty, and long after I became convinced of its character; because, my *honor* did not permit me sooner to abandon it"? Mr. President, *I will not do it.*

Mr. Birch. Would the gentleman deal thus with the thousands in the old Southern States, whom he and I have argued are in the movement against their will, and who did not lay down their arms under the President's proclamation because they could not do it?

Mr. Breckinridge. I have always insisted, and still do insist, that the great body of the people of the seceded States are, at heart, this day loyal, and have been throughout; and I do not doubt that thousands of those who have been forced to enlist under their infamous conscript law, will seek the first opportunity to cast away the guns that blister their patriotic hands. But, show me one of them who will not improve the first opportunity to escape—who still clings to his bondage upon the plea of serving out his term of enlistment—and I will show you one who is, before God and man, a self-condemned and convicted traitor.

Mr. Birch. I will ask but one more indulgence, and that is to state that the circumstances of these men upon Sac river were such that it were death for them to have deserted. I travelled seventy miles with a safe escort through that country, and I never expect to travel seventy miles under more trying circumstances again. The whole country was infested with a class of devilish persons who would have shot me out of mere private revenge. But the point I wish to make is this: that from the camp upon Sac river almost to the town of Sedalia, there were nothing but secessionists; and if a man had attempted to escape from Price's army as a deserter, he would have been apprehended before he had gone two miles from that camp.

Mr. Breckinridge. May I ask the gentleman what proportion he supposes, of the persons whom he desires should be permitted to vote, were engaged in that occupation—I mean, what proportion of the "devilish kind" that he describes?

Mr. Birch. Well, I will answer the gentleman after a moment's reflection. Of the men I met, I do not think there were more than three or four; there may have been as many hundred. There was one especially of whom I was myself so much afraid, that, although I knew I was going to be discharged the next day, I went to a friend——well, I will let it all come out—it was Coleman, who had authority to raise a regiment, and he was acquainted with another man, who was a most desperate character, and who had threatened to take my life. I got Coleman, after I was discharged, to go to this man and induce him not to waylay or shoot me after I had passed the lines. Now, I will allude to another thing while I am speaking, and I wish to impress what I say in favor of those men, that the Missouri Democrat thinks have come home for the purpose of becoming good and loyal citizens,——

Mr. Breckinridge. Does the gentleman propose to make any distinction at all between those classes of secessionists and rebels who so alarmed and troubled him after he got beyond Price's lines, and who were not, of course, restrained from returning to their loyalty by any fear of punishment for deserting, and the other class for whom he speaks; or does he desire them all to vote?

Mr. Birch. I say they were all secessionists, and that at any point within seventy miles of Sac river a deserter would have been arrested; but I say again, bring forward an amendment to properly include this class of bad men, and it shall have my vote.

Mr. Breckinridge. I thought the gentleman's purpose was to exclude those who had been in the Confederate service.

Mr. Birch. I said that in another connection. I said, bring forward a proposition to exclude these bad men—these guerrillas—and I will vote for it; but I am opposed to this, because it cuts off three thousand men, who, according to the Democrat, are good men.

Mr. Breckinridge. The Democrat is not authority for me; it does not reflect——

Mr. Birch. Oh! I am happy to hear the disclaimer that the Democrat is not authority for the distinguished delegate from St. Louis.

Mr. Breckinridge. If the gentleman will allow me to conclude the sentence, in the midst of which he interrupted me, I say, there are many matters as to which that paper does not reflect my views. As far as that paper, or any other, allows itself to favor any measure, or advocate any policy, which I think destructive of the best interests of the community, it is no authority for me; but as far as that paper is conducted for the purpose of preserving the Union, it is authority for me and all Union men. But, as I understand it, the gentleman reads a paragraph, in which it is estimated that three thousand rebels have returned to Howard county, or that immediate region, which comes from some unknown writer, not, perhaps, entitled to any weight, and which is published in the Democrat as a mere item of news, and on it, as he says, bases his proposition to throw open the polls to the very men we have been obliged to take up arms to expel and destroy.

Mr. Birch. It is an editorial article headed "Price's army returning."

Mr. Breckinridge. An editorial then based on this information. Let the gentleman understand me; I make no unkind allusion to the Democrat. I know its editor and proprietors well; they are, I think I may say, my personal friends. But, sir, it often happens that in the columns of that paper measures are advocated which I consider very erroneous, and so far, it is not authority for me; but in other respects, as far as the preservation of the Union is concerned, and their efficient and earnest efforts in that behalf, that paper is authority for me. But suppose it to be true. For the sake of the argument let it be admitted that three thousand men from Price's army have returned to the locality named. How does this fact affect my position? Will the number induce the gentleman to consider that proper which, under other circumstances, he would refuse to do? Surely he does not propose to decide his course only by the question how many voters he will exclude from the polls—how many can be induced to vote. Sir, I say this, and I beg the gentleman not to think me unkind in doing it: it may be that in the plentitude of his charity the gentleman from Clinton, standing at his own election precinct, and seeing the same red-handed traitor from Price's army of whom he has spoken, coming up to the polls and casting his vote according to his fancies, could forgive him all his evil deeds; but I do not think I could forgive such a man's treasonable acts, simply because he would be willing to cast his vote to suit my own fancy. The gentleman talks about courts and grand juries, and petty juries; but does he not know that these very men, where they have the power, refuse to allow the courts to sit; refuse to allow the sheriffs to summon a grand jury, or threaten his life if he puts on a jury men who will indict, or, if they are indicted, will convict them? Suppose a court is held, and a notorious traitor is sought for, and indicted on account of his many and atrocious violations of law, and is brought to trial: suppose the gentleman from Clinton is summoned as a witness, and he says under oath, "This man is a guilty traitor; but he told me he was sorry for what he had done, was anxious for peace, and sick and tired of the rebellion;" and then suppose the gentleman, as his attorney—for I believe he practises law, and I am sure with great ability—addresses the jury and seeks to convince them that the offence which this man committed was, after all, a little matter—that he was simply exercising his own *opinions*—that it was right to despoil and *press* the property of loyal men, or that he entertained the belief that murder was a proper thing when Union men were the victims, and therefore the jury must forgive his offence and find him innocent: and still further, suppose this rebel has voted according to the views of the gentleman, and, though convicted of some dark felony, finds in the gubernatorial office some friend who thinks offences, however grave, committed by those in whose *opinion* they are right, are not proper subjects of punishment, and so quickly pardons him;—how does this, in principle, differ from the course the gentleman proposes now to take? Let the same principle be applied everywhere, and the same course of action adopted, and I ask gentlemen how long it will require to debauch the loyalty of our people—how long it will be before the line of separation between loyal men and traitors will be effaced—how long before we will be hopelessly given up to treason? No, sir, I will not by my vote consent to such a thing.

The gentleman says many of these men enlisted under the laws of this State—referring, no doubt, to a law passed by the last Legislature, the infamous Military Law. Does the gentleman forget that that atrocious law was swept from our statute books by this Convention, at its session in July of last year?

Mr. Birch. They never heard of it.

Mr. Breckinridge. Because the ears of men are closed, are we never to execute our laws? Are repeated amnesties to cover all outrages, because those who commit them will not, or do not heed the conditions we attach to our offers of pardon? If the deaf man commits murder, are we never to execute the law which denounces it because he has not heard of it? Sir, I think it would be bad policy to pardon him on such a flimsy plea, and the gentleman will find it necessary to reverse our whole sysem of justice if such methods are to prevail. Through the hard experience of last summer, beginning at Boonville, and continuing through Carthage, and Wilson's Creek, and Lexington—through all this experience, these men have gone, and the gentleman thinks that during all that time they carried the seeds of repentance in their hearts; and now, after we have fixed a day, upon which, if they had returned, pardon was promised, and given them permission to return within a specified period and receive the protection of the Government, and find our offers despised, the gentleman still says—Let them all come back, however heinous their offences; let them all come back and exercise their rights: after exercising their rights in endeavoring by violence to force us out of the Union, let them exercise their rights in striving to vote us out! We swept from the statute books the law under which they enlisted; we declared every act of violence, on their part, if it amounted to the killing of a fellow-man, *murder;* but now the gentleman supposes they may not have heard of that—may not have been told that we had annulled the law under which they enlisted, or properly classified their wicked acts.

The gentleman makes a distinction which I was sorry to hear him make. We have had too many fine drawn distinctions. Too many of the men of whom he speaks, who have been led into treason, have been led into it originally by these cobwebs of abstract opinion upon State rights. Too many fine intellects have been led into disloyalty to the State and the United States by these fallacies. I have no room in my mind for such distinctions. Point me to a man who is disloyal to the Government of the United States, and I will point you to a man who is disloyal and a traitor to the State of Missouri. Show me one truly loyal to the State, and I will show you one truly loyal to the United States.

A Voice. That is true, sir.

Mr. Breckinridge. The gentleman will pardon me for saying it is a part of the same old poison of misunderstood State rights, so perniciously used, and to such fatal purpose, in the hands of wicked and designing men. The gentleman here proclaims, if I do not misunderstand him, his purpose always to be loyal to the State and to its institutions; but he seems not to care much about making avowals of his purpose to be loyal to the Government of the United States. Let me ask the gentleman, for he alluded in unmistakable terms—and I have no complaint to make—to a proposition which I had the honor to introduce and advocate the other day concerning the emancipation of slaves; he referred to the views therein expressed, and to the institution therein alluded to. Let me ask the gentleman: suppose the choice comes—I trust it may never come, perhaps it will not—but suppose it does, the choice between slavery and his loyalty to the Government of the United States, where will his choice place him?

Mr. Birch. I suppose I shall have to answer the question, and I will premise by remarking that it has become quite fashionable of late for gentlemen to write and speak substantially these words—"If I have to choose between the institution of slavery, and the Government of the United States, I am for my Government." I did not like these words when I first saw them in print, and as I read them in the reports of speeches, I thought they had an Abolition twang. I thought they meant that, bye and bye, Lincoln, as President, would assume that he had authority to judge whether slavery could longer be continued in the Southern States compatible with the operations of his army, and that he would decide it could not, and that he would wipe it out; and therefore, Lincoln having decided, and they deeming him competent to decide the question, the question would then come up between loyalty and slavery, and they would stand for the United States. I say inasmuch as the Constitution of the United States expressly ordains that no person shall be deprived of life, liberty, or property, except by due process of law, every lawyer understands that the President of the United States has not in war more than in peace, any more authority to issue such a proclamation as that, than the delegate who stands here to address you; and the position upon which some gentlemen place themselves in reference to this matter, as regards the existence of the present war, against the emphatic declaration of the Constitution of the United States, signed by Washington; and if Lincoln shall ever come forward, as it is rather dimly foreshadowed in his proclamation revoking the Hunter proclamation, and proclaims freedom, the torch and the dagger to the slaves of the Southern States, and I am in any public position to have a voice upon the matter, he shall never have with my vote, or my voice, a man or a single dollar, from the State of Missouri—*never;* and that is my answer.

Mr. Breckinridge. And still, Mr. President, the mists of State rights have so beclouded the gentleman's reason that I get no answer to my question.

Mr. Birch. I supposed that I had given a full answer to the gentleman.

Mr. Breckinridge. To make my proposition plain to the gentleman's understanding: suppose that slavery, by the march of armies through the regions where it exists, finds its existence in peril, and almost destroyed; I wish to know, if, by the march of armies through those regions, the slave is released from his bonds, who would be responsible?

Mr. **Orr.** I hope we are not going to have this question sprung upon us again. I see no connection between ——

The **Vice President.** I will state that the whole speech of the gentleman from St. Louis is out of order; he has already spoken once on his amendment.

Mr. **Orr.** Well, I thought the Convention had put a stop to the nigger question the other day.

Mr. **Breckinridge.** The debate has taken a wide range, Mr. President, and I have done no more than very hurriedly to try to answer some of the arguments made by others, who were not considered out of order.

Mr. **Hudgens.** If the gentleman will give way, I will move to adjourn.

Mr. **Breckinridge.** I thank the gentleman from Andrew, but I shall speak but a few moments longer. I will only say that, for me, using the phraseology the gentleman from Clinton deplores so much, if the choice ever comes as between any institution existing under the Constitution of this State or the United States, and the Union of these States, I am for the Union always, forever, and by every pledge. [Applause.]

The gentleman made some allusion to the fact alleged by him that these rebels acting with Price had not enlisted in the Confederate service, and were not bound to it, but had been doing what they supposed to be their duty under the law of this State. I find, sir, in the speech delivered by the gentleman on the 12th of October last, in this body, then in session in St. Louis, and when he was endeavoring to answer certain remarks of my late colleague (Mr. Wright), and to convince him that the oath then proposed, and by our ordinance soon after required to be taken by all civil officers in this State was most proper, the following:

"*In default of this (the oath of loyalty to the Confederate Government) the following copy of the oath administered to such of the captive officers at Lexington as would consent to take it may throw a little light on the subject; and will be particularly refreshing to those who yet innocently believe that our late President* (Sterling Price) *and his command are still loyal to the Government of the United States:*

"'*The undersigned,* 1st *Lieutenant,* —— *a prisoner of war, at* ——, *pledges his sacred word of honor that he will not again, during the present war, take up arms against either the State of Missouri or the Confederate States of America; and that he will not give aid or comfort, in any way whatever, to the Government of the United State or any of its armies, until he shall have been released. This parole is given upon the condition that the same may be surrendered at any time to the commanding officer of any military post of the Missouri State Guard.*

"'*Given at Lexington, Missouri, September 25th,* 1861.'"

He was arguing then, Mr. President, from a different stand point from the present. He was seeking to persuade my late colleague that an oath was a very proper thing, and would be particularly refreshing to those who might take it, and would apply a most admirable test to all officers, who, if not loyal, should be hurled from office. Have not the gentleman's views apparently undergone a change with regard to the efficacy of oaths and the propriety of administering them? The particular matter, however, I wish here to notice, is the character of this parole I have just quoted. Is it not manifest that those who administered it were in the service of the so-called Confederacy, to abstain from bearing arms against which, and from aiding the enemies of which, is the condition on which they release prisoners? Can the gentleman seriously insist that they were not really pledged to that bad cause?

Mr. **Birch.** My recollection is that at the battle of Wilson's Creek, Gen. Price came under McCulloch, who was a Confederate General. Price, therefore, I suppose, was subordinate to McCulloch, and the men were subsequently informed that they were Confederate soldiers. They were enlisted under Price, but he had transferred them to McCulloch.

Mr. **Breckinridge.** And yet the gentleman says they were not in the Confederate service! I do not think the answer of the gentleman amounts to much; and it seems to me my point is preserved.

I desire, before I close, to warn the gentleman, for whom I have the kindliest feelings, that the abandonment of well-established principles is dangerous; that he, however able, who allows himself to become involved in nice distinctions concerning the duty of loyalty and its degrees, and can find at such a time a loyalty to the State which he accepts, and a loyalty to the United States which he rejects, is liable soon to fall into that hopeless, fathomless gulf into which so many have fallen; that especially he is treading a dangerous and downward path, when he seeks to find the poin at which he may cease to sustain the Government of the United States and still be loyal to the State. I beg the gentleman to consider this warning, although coming from one much younger, with far less experience and less wisdom, perhaps, than himself, as worthy of earnest thought.

Mr. President, I remember, when a boy, seeing sometimes curiously painted signs that some cunning painter had designed, so that when approached from one side or the other, or in front, you would read announcements altogether different. The language they spoke depended entirely on the point of view of those who looked at them; and so, it seems to me, these signs may be used to show the positions into which some gentlemen are apt to fall, and the varying and inconsistent opinions they express, as they change their stand point. Apply it to the case of the gentleman from Clinton. Standing in his place in this body in the spring of 1861, fresh from the loyal constituency who sent him here, and denouncing with earnest and eloquent words the purpose he then exposed, of attempting to overawe and control this body in the interest of treason, he reads the words "*Base conspiracy.*" Some months later, and when, because of words spoken in seeking to secure *aid from the enemy* in a canvass for a high office, he was arrested by a Federal officer, whose honest mind did not appreciate the gentleman's nice distinctions and refinements, and who suspected him of giving as well as seeking aid, and standing now a prisoner in a Federal camp, he reads the words "*Federal oppression; loyal to Missouri.*" And now, again, standing at some election precinct, surrounded by a throng of admiring and repentant rebels, who by their ballots prove their gratitude for his efforts this day in their behalf, he reads the words—"LOYAL, HONEST, TRAITOR VOTERS."

Mr. President, let the gentleman be warned. The course he is pursuing is not safe. It saddens me to think where much further progress in it will lead him.

I think it my duty to be as charitable as I can to the deluded, ignorant and foolish men who have engaged in this wicked rebellion; but never, *never*, in the name of justice and truth, of violated oaths, of ruined homesteads, and an almost ruined people—never let us propose to deal out this kind of charity in behalf of the wicked leaders and rulers of this movement, who, by the course the gentlemen propose, will find power again to convulse and desolate the State. Let us never forget how much our wives, our children, and our fellow-men have at stake in the present controversy, and let us not sweep all their hopes away for the votes of a few *loyal traitors.*

Mr. McFerran. I move an adjournment.

The Convention then adjourned until 2 P. M.

AFTERNOON SESSION.

Met at 2 P. M.

Mr. Hall of Buchanan introduced the memorial of Mr. Morrison, late State Treasurer. Referred to the Committee on Finance.

Mr. McFerran. Mr. President, I desire, in a very brief way, to give my views with reference to the proposition now before the Convention. I have regretted the course that the debate has taken to-day. I regret that there has been so much of what may be called "stump politics" in the Convention. It matters but little to the people of the State what record a politician may make here. We are not here to make records for ourselves in a future political canvass, but, on the contrary, sir, we are here to discharge duties of the greatest and most responsible character. Party politics, canvass politics, and records of politicians, are of small consequence when brought to bear against the great questions that rest upon the members of this Convention for their determination. The question before the Convention is the safety of the State. That, sir, is the question that demands the consideration of the people's representatives, and that is the question that demands the consideration of statesmen unprejudiced and unbiased in their deliberations; and it ought not, sir, to be interlarded with partisan politics, canvass politics, or political records. Then, sir, what does the safety of the State require in relation to the elective franchise? That is the question. The man that labors here, and gives his views and his determinations under prejudice or passion, will have not only done himself an injury, but will have injured his State and the great cause of human liberty. I hope, sir, that I have no prejudice in this matter that I cannot govern or control. I know, sir, the evils that our State has been involved in, and the machinations of designing men that have desolated our great and beloved State, and the untold wrongs that we have suffered, and the wrongs that our friends and families have suffered; and when we think of the great evils inflicted on the State by demagogues and designing men, it takes, I confess, some philosophy to rid the mind of prejudice and passion. Retaliation is a law that is sweet to the human heart and mind, and unless we guard ourselves we will retaliate frequently when we least expect it.

I regret, sir, another thing that has transpired during the deliberations of this Convention. I regret, sir, the menacing or implied threatenings that have been used in the course of debate in order to influence the minds of members. It is said, sir, that if we do what in our calm judgment we believe to be absolutely necessary for the preservation of the State, it will fill our woods with guerrillas, and that the people will be shot by the way-side; on the other hand, we hear distant mutterings of a Military Government and a Provost Marshal. Let me say to you, Mr. President, that he who suffers himself to be governed by fear will not discharge his duty well. For my part, whenever the safety of the State requires me to perform any act of legislation, I will not shrink from it if every grove in the State is filled with guerrillas.

But I do not believe our Federal Government will in any way interfere with the deliberations of this body. The great and good man who now holds the helm of state at Washington has never manifested any such disposition. True, the Federal Government will protect itself, and it is right in doing so; but it is not necessary, and it would not be protecting itself, if it were to interfere with the proper deliberations of this body, or any other properly constituted legislative body in this country.

Now, Mr. President, I come to look at the amendment and the amendment to the amendment. I would prefer, sir, the ordinance introduced some days ago by the committee, to the amendment offered by the gentleman from St. Louis. There is more justice in the ordinance then presented than there would be in this ordinance if this amendment were passed.

There is no reason, Mr. President, if the oath or test is to be made retrospective, why it shall stop on the 17th day of December. The original ordinance reported by the Committee on Elections and Elective Franchise, made no limit to the retrospective action as to voters; but the ninth section of that ordinance declared that any person who had been induced to take up arms or levy war against the United States, through fraudulent representations, supposed obligations of duty, or duress, that, upon taking the oath which was therein provided, he should be permitted to exercise the elective franchise. That ordinance, sir, has far more justice in it than this ordinance would have with the restriction which the amendment provides for. Why will they limit it to the 17th day of December? No doubt the reason for it is the action of this Convention at its previous session. I say, Mr. President, there is nothing in the action of the previous sessions of this Convention that reaches this right to vote; at least, there is no more in the previous action of this Convention, nor yet half so much, as there is in General Halleck's circular of the 14th of February last, and the different safeguards that have been given by the different military authorities of the State for the last six months. Why, sir, safeguards are given by the Federal military authorities of the State, granting to the holder of them that he shall be safe in his person and his property if he will comply with General Halleck's circular of the 14th of February last. We guaranteed no more by the action of our Convention than do the safeguards under General Halleck's circular. He promises them protection in their persons and property, and the Convention promises them no more.

I, sir, was, of course, assisted in reporting the ordinance introduced on elective franchise, and I thought, at the time of introducing it, that it was just and proper. Subsequent debate, however, on the amendment offered by the gentleman from Greene, induced me to believe that it was more practicable to adopt that amendment, and refuse to make it retrospective at all, than to attempt to carry out the bill which the committee had reported. Hence, sir, I supported the amendment offered by the gentleman from Greene, and I did it from various considerations, which to my mind were proper and right, and which, under my convictions, made it my duty to do so.

There is a principle or axiom in the common law that we would do well to remember. The substance of that axiom is, "the extreme of right is wrong, and the extreme of justice is injustice." This axiom comes to us sanctioned, from time immemorial, by our English ancestors. It comes to us matured by time, and the present circumstances that surround this country but prove, but too sadly, its truth. But if gentlemen can show why this disfranchisement should begin on the 17th of December, then, I confess, they will have removed one difficulty from my mind.

I was glad to hear the distinguished gentleman from St. Louis take the position he did. He stated the fact distinctly, and I fully concur in its truth, that a majority of the people of even the seceded States (if I understood him) were loyal to the Federal Government. I fully concur, Mr. President, in that remark. That being true (and I do not think any fair-minded man can come to any other conclusion) so far as the Confederate States are concerned, it is certainly true as to Missouri, and always has been. I presume my distinguished friend will not deny that. When this Convention was elected, its members were sent here by 80,000 majority of loyal men; and what has become of them? Here is an argument, Mr. President, that I base on that. Mark you, our polar star is the safety of the State. If there is a majority of loyal men and loyal voters in this State, (and I doubt it not,) then the safety of the State does not require this retrospective action of the Convention, nor the disfranchising of any citizens or voters of the State. Therefore, sir, I think that the proposed amendment is unnecessary for the safety of the commonwealth.

Again, sir, my objection to this amendment does not stop here. Since the 17th of December last, one-fourth, perhaps, of this State has been under a hostile and *de facto* government to which every man within its military power was bound to bow in obedience and in silence, and to hush his complaints, and to do many acts that seemed to be inconsistent with loyalty, and which were inconsistent with loyalty, while, sir, these men were as loyal, perhaps, as any others. I tell you, gentlemen of the Convention, remember the history of your own State; remember the Southwest of your State, and the loyal men of that section who have lost their all. Remember the brave, gallant and generous Lyon, when he marched his troops to Springfield and protected the loyal men of that section until the battle of Wilson's Creek, when he was forced to leave the loyal citizens under a hostile government, and to whose rule they were compelled to submit until the return of the Federal power in September under Frémont. These loyal citizens rejoiced when the ensign of American freedom appeared in the precincts of Springfield. But, in a few short weeks, they were again doomed to the tread of the invader, and were compelled to submit to be conquered a second time. Some gentlemen may say they ought to have left home. But, let me say, it was not practical for every man to leave his home. Many did leave—as many as could do so—but, doubtless, there were thousands who could not leave; and now, sir, will this Convention disfranchise those men who remained, and who could not get away? You recollect that Frémont's army remained there but for a short period. Upon his diappearance, the Confederate army again took possession of Springfield and the Southwest, and they ruled it with an iron heel that would hear of no remonstrance. Now, sir, I ask the gentlemen of the Convention to remember the condition of the State on the 17th of December last, when Price and his army were at Springfield menacing the whole western boundary of the State. There was an apprehension that he would march across the Missouri river, and advance into the northern section of the State. I know the people who lived in that section at that time felt uneasy in relation to that matter. On the 20th of December the Confederate bridge burners tore up the North Missouri railroad almost its entire length; and gentlemen may say, should this recommend these gentlemen to vote because they tore up a railroad? Not at all. But I make these remarks to show you that if you propose to pass this disfranchising and retrospective measure, then there is as much reason for extending it back of the 17th of December as for making it applicable to those who have been engaged in rebellion since that time. But, Mr. President, is there any gentleman here that believes that, under the proposition of the committee as it stands, Missouri would not be safe? Would she not be safe? The majority of the people are where they always have been—loyal; and they will seize the opportunity offered them to return, and with that majority the State can suffer no detriment. Ours is a Government, sir, of majorities, and if we have got a majority of loyal people to begin with, with those that will return to their allegiance, and with those anxious to get rid of the war and to reëstablish themselves as friends of law and order—with these, and a majority to begin with, will any man say that the State is not safe? I think not, Mr. President.

But I desire to make another statement here, because it not unfrequently happens that a good many things are brought up in the course of a discussion that do not properly belong to the discussion; and I hope I will be pardoned, by making a reference here to another matter, which has, to some extent, a bearing on this question. It was attempted here, on Saturday, to introduce the question of emancipation in this State. I do not propose to argue the question at this time. The Convention laid the proposition on the table, and why did they do it? I suppose, sir, the great majority of those who voted to lay the matter on the table simply desired to leave the subject in the hands of the people of the State. We were not elected with reference to it. We have outlived our time, as it were; and we are only here now to discharge such duties as the imperative necessity of the times and the condition of the State absolutely require. I desire to say, so far as I am concerned, that such was my motive in refusing to entertain this question. While this is so, I wish it distinctly understood that I am in favor of the election of a Legislature at the coming election; and I do not think I can swerve from that purpose, because I have considered it well; and if the people of the great State of Missouri choose to entertain the emancipation question—if they choose to elect members with reference to it—does not the institution as well as the State belong to them, and who can gainsay their right? Why, sir, I am willing to bow in obedience to the will of the people; but I am not willing to throw before that people an exciting issue which was not canvassed at the time of my election. Sir, I hope this body will not, for one moment, entertain the idea of postponing the election of members of Congress and the General Assembly of the State at the coming election. There are many reasons for that, which I will argue at the proper time. I merely refer to them now in order to prevent misapprehension. I do not deprive any individual of a single right, not even those who have brought our present troubles upon us—who have desolated our fair fields, and made widows and orphans out of a large portion of our population. But, if we are to act upon retribution and retaliation—if the arguments that have been used here are to obtain—then no secessionist will be permitted to vote at the same polls with me. It was remarked to-day that the soldier who had taken up arms and gone forth to battle, would feel degraded by having his adversary return and cast his vote at the same ballot-box with him. Now, perhaps, some gentlemen might be so extremely vindictive as to refuse to let a rebel breathe the air of heaven, or even bask in its sunlight. The argument is not a good one, and I refer to it to show that if carried to its full extent, a rebel could not breath the pure air of heaven, or bask in its sunlight.

Mr. President, I do not stand here to advocate any other than the true interest of the Government. As far as the safety of the Government requires me to go I will go, because the preservation of the Government and the restoration of peace, law, and order, is paramount to everything else. These are trying times, and times when statesmen should act. These are no times for party politicians. These are no questions to be trifled with, but great questions that demand wise and considerate action. A great and magnanimous Government can afford to be liberal to her erring citizens. The axiom of civil law is, that it is better that ninety and nine guilty should suffer, than that one innocent man should; and, sir, the Government, whose flag all nations have respected, can afford to be liberal to her erring, criminal citizens, if you please. I have no apology to offer, and I do not wish to be understood as offering an apology for those men who have deliberately engaged in this conspiracy to overthrow the Government; and while that is so, I would not have my country do wrong to any one. The great Clay said, "I had rather be right than be President." Mr. President, I will not discuss this question further. All I ask the Convention is, to give this matter a fair, candid, and dispassionate consideration. I think myself that the principle was determined the other day upon the amendment of the gentleman from Greene. I thought then it was distinctly decided by this body that there should be no retrospective tests as to voters, but it seems this amendment has to be decided upon by this body, and I presume its decision will be final and conclusive in the matter. I shall have no complaint to make either way, having discharged my own duty, as I conceive, to my constituents, to my State, and to the Federal Government.

Mr. Pipkin. I do not rise, sir, for the purpose of giving my views upon this question to this Convention, but for the purpose of simply handing down to those who shall live after us my views upon a matter of so much importance. When we take into consideration, Mr. President, the situation of those for whom we are legislating, this matter presents many great difficulties. We are now legislating in a manner to affect the people who are now residents of the State of Missouri, or were residents of the State of Missouri at the time of the commencement of this difficulty. One year ago, the persons who are expected to be affected by the proposition now before the Convention, were citizens of the State of Missouri. They are now recognized, I believe, by every member of this body as citizens of the State of Missouri and of the United States. We are, then, legislating for those who are part and parcel of us. They are to be affected by our legislation, and they are to be interested in the laws that are to be enacted by those who are to be placed in office after this. Mr. President, it behooves us to legislate wisely, as a very large number of the people of Missouri are to be affected by our legislation, so materially, perhaps, as to proscribe them, and disfranchise them, or place them in a situation where they can be disfranchised. Now, sir, we are not undertaking to disfranchise foreigners, or to keep persons from voting who are not citizens of the United States, but we are undertaking to restrict those who, under the Constitution of the United States and the State of Missouri, are as much entitled to go to the polls as any freeman and vote, with only the simple qualification that he shall be a free white male citizen of the United States, and twenty-one years of age. But, sir, this restriction imposes something more upon them. They must swear they have not done thus and so. It is in effect, then, an amendment to the Constitution of the State of Missouri. Now, sir, I am opposed to it, for the reason that so large a number of the people of the State are to be affected by it, and, perhaps, if it become the law of the land it will be upon our statute book a nullity, at least in many portions of the State of Missouri. I venture the prediction that if those who are affected or expect to be affected by this legislation shall return to the State of Missouri, and remain citizens of the State of Missouri, that the law which we enact here, and the pains and penalties which are to be inflicted upon the people, will never be carried into effect; and I say this because it is admitted by gentlemen in debate, that thousands of citizens have been implicated in this rebellion. If these citizens return, it is necessary to deprive them of the privilege of voting unless they shall qualify. They return and they do qualify, and many of them are indicted under this provision, and they go before the proper courts of the land to be tried. Then, sir, I undertake to say—admitting that these people we are attempting to proscribe are so wicked—I say, if they are so wicked, they will not allow any jury in the country to convict a man, no grand jury in the country can be found to indict a man, and no officers can be had to serve the processes which will issue to bring men to justice under this law. This law then, in effect, would be a dead letter on our statute book and could not be carried out. Then, sir, I hold that it is impolitic, for the reason that it is placing upon the statute book a law that, in many portions of the State, cannot be carried into effect; and it is well known that when any law is enacted that is disregarded, it is a greater injury than if no such law had ever been enacted. It is then attempted to enact only such laws as can be enforced, and I am perfectly satisfied, in my judgment, that if this be enacted and persons are to be tried for the penalties laid down here, they cannot be enforced.

Mr. President, I have another reason for opposing the proposition. Now, sir, I am discussing the whole merits of this question, as the debate has been rambling and gentlemen have not confined themselves to the simple proposition of the gentleman from Grundy. I am discussing the whole proposition, and I suppose this is admitted as proper. I have another reason for opposing this restrictive measure, and it is this. It is not yet settled by this Convention whether we will have an election for any of the offices of the State next August. Now, sir, if that question had been settled by this Convention, and it was understood and agreed that there should be no election for a year or two to come, why the proposition now before this body would not, in my estimation, be liable to so much objection; but, sir, here we are on the 9th day of June, and before this body will adjourn, probably the middle of June will have passed by; then there will be but six weeks from the time the Convention adjourns up to the time the election takes place. These ordinances have all to be made public, otherwise the people cannot act understandingly under them. The ordinances have all to be made public and sent all over the State for the people to know what they are. Now, I ask you if it is within the range of possibility that these ordinances can be published and circulated throughout the borders of the State of Missouri, in many portions of which there are no mails at all, and where, sir, it is dangerous for small armies to go, on account of marauding bands of guerrillas. Then, if it be dangerous for small armies to go through these places, how, in the name of common sense, can the mails be carried throughout many portions of this State? They cannot be carried through Southeast Missouri, and there are no mails worth speaking of in that whole section. I say, then, this ordinance cannot reach the people in time for the election, and would you debar them from the privileges here offered to them? Then suppose an election is held, and the proper officers go to work and send out the poll books, and an election is held under the old order of things, and the people go to the polls and vote without having heard anything at all about this ordinance. Do you suppose such men as these, who vote ignorantly, who have returned from Price's army and availed themselves of the amnesties offered *to them, and others who have returned since the* expiration of the amnesty — do you contend that they are deserving of punishment? Yet they are to be indicted and tried. We may be told that under that state of things they will not be convicted. Although it has been said that every man is presumed to know what the law is, ignorance upon this subject would be excusable, because there is no such law to be found in any of the States of the Union as restricts native-born, free white citizens. These *are strange times and strange things take place;* but who wants to be put on trial for perjury, even though he knows he is innocent? The simple fact that a man is indicted often ruins him. It places him before the world as a guilty criminal, and that is sufficient for enemies to ruin his reputation.

Mr. President, I cannot find it in my heart to *entertain the opinion that the large number of* men engaged in this rebellion, and members of Price's army, are the bad men—notorious criminals—that they have been represented. I say it here, that it is my humble conviction that nine-tenths of those persons who flocked to Price's standard, as you may call it, did so under the conviction and the solemn impression *in their own minds that they were fighting for* the rights guarantied to them under the Constitution of the United States and the State of Missouri. As to whether they were mistaken or not, is not the question. My humble conviction is that they believed that this was an abolition war inaugurated against the people of Missouri, and that the raids inaugurated in many portions of Missouri against the citizens were for the purpose of emancipating the slaves, and accomplishing an object that could not be *accomplished in any other way.* There was another incident that strengthened this belief. Why, sir, an army was sent all through Missouri, and that army arrested Union men, stole the property of Union men, and imprisoned Union men and those who are called secessionists, and those who have sympathies with the South; and the people were exasperated by this conduct, and what did they do under the circumstances? Why, they went into the army that they supposed was beating back the insults that were being heaped upon them. Under that conviction, many men joined Price's army, and once being there, it won't do to say they must act up to this law. How many can do it? Thousands have quit, and they have been taken to Alton, and there incarcerated in dungeons for months, without any charge being preferred against them. These things have deterred thousands of men from returning that would otherwise have returned. They had gone into the army, and their names had been given to the military, and they knew who had left their homes. These men were afraid to come back; and, gentlemen, I state what I believe to be a solemn truth with regard to this thing: men were driven from home, and actually went into Thompson's army, not for the purpose of taking up arms or joining the army, but for the purpose of avoiding arrest and being taken away. They knew the officers of the Government were after them, and they took shelter among the enemies of their Government, and there sought protection. That is a strange thing—that men should go into the army of an enemy to get protection against a Government that had hitherto protected them. These things are incident to war. *No such* events had ever taken place in this country before, and the people did not know how to act in them. There were a great many men who were not as wise as I was, and I do not claim to be especially favored in this respect; but I took the precaution to remain at home, and when the soldiers came to my house, I just simply delivered myself up. But that was not the way the clerk of our county court did. He started off, and he has been run down ever since. *I have not heard that he has taken up* arms.

Mr. Leeper. The clerk of your court was Acting Adjutant in Mr. Low's regiment.

Mr. Pipkin. I suppose the gentleman knows, but I do know that others have been hunted down who have never taken up arms. I say, then, where men have gone into Price's *army, they have, in a great many instances,* done so under circumstances like those to which I have referred. That many did go, and will remain there, with the purpose of subverting this Government, I have no doubt; but I firmly believe there are thousands who did not go with any purpose of overturning the Government of the United States. They only believed they were fighting for Southern rights and privileges; and if they are invited to come back, they will come back and lay down their arms.

They have been considered as respectable men in all transactions of life, heretofore; and I ask, will this Convention impose upon them the odious restriction that is attempted to be thrown around them and all citizens of the State?

Mr. President, we may all take the oath; everybody can be sworn to support the Government of the United States, the Constitution of the United States and of the State of Missouri. This thing of swearing has become too common for the public good. It is like everything else. There are certain things that by constant use are abused. It is just so with swearing. This indiscriminate way of swearing everybody and everything, will finally destroy the solemnity and sanctity of an oath. And, sir, when we come to swear hundreds of people on election day, in the manner here proposed, it will finally become a mere matter of sport. Gentlemen, that is not the way to treat this serious subject. Administer oaths to those who are elected, and to such as they have been administered in times past, with such restrictions as may be necessary at the present time. The impracticability of convicting men of perjury who shall take an oath on election day and violate it, I think must be apparent to every member on this floor. The oath is not recorded, and the judges of elections could not tell whether they had sworn a certain man. Suppose he be indicted for perjury for taking and violating an oath that he had not taken up arms, and the question arises on trial as to whether the oath was administered, and the judges of elections are called upon to say whether the oath was administered to him. The judge of elections would say, "there were so many thousands sworn in on that day that I cannot tell whether I administered the oath to this man or not." Now, can any man be convicted of perjury under such circumstances?

But another reason why I am opposed to this proposition: I am told that in the interior portion of the State some counties are very rebellious; but from the speech of the gentleman from Clinton, we are made to believe that three thousand have already returned to a particular district. Well, now, if that number are to be found who are willing to lay down their arms, it is fair to presume that a very large number of these have been implicated in this thing one way or another. I say, grand juries and sheriffs of courts cannot be found in these localities to convict these men. Another objection is, it will array one portion of the community against another. Here is Mr. Price, or anybody implicated in this rebellion. He owns property in the State of Missouri, and he has gone out under the impression that he is fighting for his rights. He comes back here determined to support this State Government and the United States Government. He is affected by the State legislation, and he desires to have something to say in the choice of those who shall serve and make laws for him. But we array one portion of the community against the other by prescribing these test oaths. It is nothing more nor less than arraying Southern sympathizers against Union men, and I am opposed to it. Better proscribe them entirely and give them no privileges, and let them rest on the broad ground that they have committed treason, and, having done that, let them pay the dread penalty of the law for it. The statute provides that those guilty of treason are subject to be imprisoned and deprived of the right of the elective franchise. I say, let this law be enforced against them rather than pursue the course which is here proposed. I say it would be a most unfortunate thing at this time, when peace is being restored, and when the Provisional Government is becoming popular, to adopt a measure of this kind, because it would throw a firebrand into the ballot box.

Mr. President, we have been told that Missouri has been and is now loyal. That proposition I do not dispute; and taking the action of this body, from the beginning up to the present time, we have an evidence of this fact. I take it for granted that these members represent the will of their constituents, and that the people of Missouri are loyal to-day; I have been—and if that be so, and there is a majority of loyal men in the State of Missouri now, they are certainly likely to be loyal at the time the next election would take place. If they are then loyal, it is not at all likely that any man will run other than as a loyal citizen, for any office; consequently, there is no danger of the Government being wrested from loyal men by secessionists; and even if the thing were possible, I undertake to say that if a disloyal Governor should be elected, or a disloyal member of Congress, the General Government would see that these disloyal men did not take their seats. A disloyal member of Congress would be expelled from his seat. The Government has taken care, in times past, of its disloyal office-holders, and it will take care hereafter that no disloyal man is placed in a position to injure the Government.

Now, sir, I do not profess to be a constitutional lawyer, nor able to combat the arguments of my friend from St. Louis, who read certain authorities here upon the constitutionality of his proposition, but I have made up my mind on this matter of constitutionality. It is retrospective; it affects all persons; and if it affects persons as to their past conduct, it is in spirit *ex post facto* retrospective, and is therefore unconstitutional. I have not the authority which the gentleman read. I desired to refer to it when I commenced my argument, but not having read it, I cannot put my construction upon it; but my view of the matter is, that the passage of a law affecting persons up to the present time would be retrospective. The amendment of the gentleman from Grundy, which would take effect to-morrow, would not be retrospective, and would not be obnoxious on the charge of unconstitutionality. But it is inexpedient, if not unconstitutional, to legislate upon a proposition, at this time, of such importance as this, or upon any other important matter that can be dispensed with.

It is well known, sir, that we were elected in a time of peace. We were elected for the express purpose of passing upon the question as to whether the State should maintain her old moorings with regard to the General Government, or whether she should pass an ordinance of secession. That was the question upon which the members of this Convention were elected; and it could not have been in the anticipation of any man who went to the polls at that time, that we would come to our present condition. The questions upon which we are called upon to decide are wholly different from those which we were elected to pass upon, and I hold it would be bad policy to enact such an ordinance as this. With these objections, I yield the floor.

Mr. McCormack. I understood the gentleman to state, in his argument, that no law similar to the one we propose to pass could be found on any of the statute books of any State. Now, I do not understand the proposition to disfranchise for treasonable acts is a new thing at all. The crime of treason, according to the Constitution of this State, is punishable with death, or imprisonment in the penitentiary for the period of ten years. Mr. President, I think this is too much ado about nothing. I think there is nothing wrong in denying men the right to vote, who have been guilty of the crime of treason. I believe it is proper and right, in order to secure the peace of Missouri, and to secure the election of loyal men, that we should place these restrictions around the polls at our ensuing election.

Mr. Phillips. Mr. President: Unlike my friend from Iron, I shall not speak for the purpose of transmitting my words to posterity, for perhaps they will not add much to the glory of my name; but as it seems that speaking works great revolutions in opinion here, I may not vainly hope to revolutionize some mind in this Convention. It will be remembered, Mr. President, that a few days ago the honorable chairman of the Committee on Elections, &c., submitted a report providing that "no person who has, since the first day of August, 1861, taken up arms against the United States, or who has since that time *adhered to, or given aid, assistance or encouragement* to those engaged in carrying on the present rebellion, shall be qualified to hold any office of honor, trust or profit under the Constitution and laws of this State, *nor to vote at any* election held under or in pursuance of said Constitution and laws, from and after the passage of this ordinance." After this ordinance was discussed a day, the honorable chairman not only turns upon and destroys his own offspring by voting against it, but brings in an ordinance entirely prospective in its operations, and makes a labored speech against the amendment of the gentleman from St. Louis, which proposes to deny the elective franchire to those only who have taken up arms or levied war against the United States, &c., since the 17th day of December, 1861. Then, the gentleman from Daviess was not only willing to impose restrictions so far back as the 17th December, 1861, but to the 1st of August, 1861. And now, he pleads with tears in his eyes and beseeching words against any retrospective ordinance. And since the honorable chairman is so impressible and facile, I am not without hope that even so humble an one as I may again change his mind. His past susceptibility justifies an effort at least.

The gentleman who, a few days since, published to the reading world his willingness to proscribe all rebels in arms or sympathizing with the rebellion after the first August, 1861, to-day has his sympathies all aroused in behalf of these men, and discovers in these recusant, repentant sinners something worthy of all admiration, entitling them to the highest confidence—worthy to be entrusted with the most sacred things pertaining to the administration of civil law and political economy. The gentleman wholly repudiates that old idea that "consistency is a jewel." In a flame of words he carried us with the lamented Lyon in his triumphal march from Boonville to Springfield. He shed a tear over the great man's fall, and in words of touching tenderness deplored the unprotected and distressed condition of the hundreds, aye, thousands of loyal men in the Southwest who became victims to rebel impressments, and *nolens volens* were forced to take up arms *against the United States Government.* Such men are entitled to our warmest sympathies. But what new light has broken upon the vision of the gentleman from Daviess that he now sees virtue where, three days ago, he saw nothing good? Then, he was willing to proscribe all men who had been in arms or given assistance against the Government since the 1st August, 1861, which would have included every one of those unfortunate men so central in his affections to-day—for the battle of Wilson's Creek was not fought until after the 1st August. While now, when it is proposed to prescribe those only who took up arms or levied war, *wilfully*, after 17th December, the gentleman's indignation is all aroused. The attention of the Convention is called to the fact that the amendment offered by my friend from St. Louis, has incorporated in it the word "wilfully." So that this amendment cannot, by any possible construction, affect those who by duress or fear, were induced to take up arms, or render assistance. And no man would ever dream that such men as were by no choice of theirs in the rebel army, were proscribed by this ordinance, unless he, like the honorable chairman, were in a strait to justify his own inconsistency.

It is asked why date this ordinance, in its operation, back to the 17th December, 1861. Mr. President, I can tell you my reasons. The history of this rebellion in Missouri is familiar to this body. We all know how, in its inception, hundreds of impulsive young men, and unthinking old men, were carried into Jackson's army. They were inveigled and seduced *into it.* Their chivalry and their manhood were invoked to rise up and defend their firesides and family altars, under the delusion that these were invaded. The fact that the prime and real object of Jackson and his conspirators was to tear Missouri away from her Constitutional moorings, and float her out upon the untried sea of rebellion, was studiously concealed; whilst it was as insidiously and energetically urged that the object of the State Guards was to defend the Constitutional rights of the people inside of the Union. The "southern heart" was fired, and, without time to consider whither we were drifting, the people were pressed onward and onward in rebellion. But as the real purpose of Price and his co-workers began to develop itself many of their followers abandoned the cause. From the time the gallant Lyon set his foot upon the banks of the Missouri river at Boonville up to the October *session of this Convention, proclamation after* proclamation was issued by the authorities calling upon the insurgents in Missouri to lay down their arms and return to their homes and their allegiance, promising to them protection and indemnity. When the Provisional Government was invoked, out of the necessities of the case thrust upon us by traitors, Gov. Gamble, in the magnanimity of his soul, as well as a desire to impress the fact that his policy was peace and not war, issued his proclamation inviting these men home. Many did come home, and if for an honest purpose, I can throw the mantle of charity over their follies. But, sir, can any man who persisted in this rebellion throughout all of 1861 in Missouri, put in the plea of ignorance as to the policy and treasonable objects of Price's army? How can he plead ignorance, when that army was joined by an army from Texas, Arkansas, Tennessee—*States claiming to belong to another government?* How can he plead ignorance in view of the compact made between the Commissioners sent by Jackson and the authorities at Richmond, transferring Missouri, like a chattel, to the Confederacy? How can he plead his innocence of deep, wilful treason, when in the face of the hollow and false pretences of Jackson and his henchmen in starting out in this rebellion, the impudent assumption of Jackson at New Madrid, in proclaiming Missouri out of the Union, coupled with the audacious arrogance of the Neosho Legislature, all rise up in their naked deformity? How can he plead ignorance of all these things, when the "Army Argus," published inside of the lines of their army, was daily fulminating these things upon upon their ears?

Still further, this Convention, at its October session, disposed, as ever, to conciliate, held out the olive branch of peace to these rebels. And the man who thereafter persisted in his opposition to the Government—who still continued in arms—stands before the world without an excuse. This Convention, after holding out this invitation, is pledged to redeem it. It owes it to its own *dignity to preserve a consis-*

tent record. Besides, I hold that men who came home under that ordinance and took the oath deserve an honorable exception. Unlike that vast multitude of rebels who are gathered up from the sinks and by-ways of the country by scouts and dragged before the Provost Marshal to be sworn, those have taken the oath prescribed by the ordinance, come forward voluntarily, and went before the county court clerks and made this oath, like men who are not ashamed to confess a fault and embrace a right. And, sir, wherever we can find so much of nobility among secessionists, it is our duty to guard it well; for, I assure you, it is a gem rarely found in such localities—all the more precious because of its scarcity.

The gentleman from Clinton, whose mind to-day perambulates about as much as his body, exonerates the unreturned rebels upon the ground that they had no means of being informed of the existence of the ordinance in question. On the one hand there is an exemption claimed by that side of the house, for men who returned because they were induced thereto by this ordinance; and on the other hand, by the same side, it is claimed that the ordinance never reached the camp of Price. "A house divided against itself cannot stand." I assert, Mr. President, that if a rebel victory anywhere between the Potomac and the West had been heralded in the newspapers of St. Louis it would have reached the humblest tent in Price's army. The gentleman himself, at Sedalia, on his return from that army, where he had been a prisoner, told me that he saw in camp a St. Louis paper only four days old. Even granting they knew nothing of the amnesty, it is their fault, the bitter fruits of which they deserve to eat, for having wilfully placed themselves where knowledge could not go.

But the gentleman from Clinton, whose bowels of compassion seem so much moved of late in behalf of these rebels, says they could not have come home under the protecting wing of the amnesty ordinance, because their term of enlistment had not expired, and they would have been punished and shot as deserters if they had laid down their arms. Sir, it is a very remarkable fact, that just after the Pea Ridge battle, the term of service of about one-fourth of that army expired. It so happened that just after that battle the six months and the twelve months, and the "whole war" men were all mustered out of the service. And what is still more remarkable, Gen. Curtis was the mustering officer. As soon as the smoke of that battle cleared away the existence of our amnesties broke upon their minds like the light that fell upon Saul as he journeyed from Jerusalem to Damascus. And it is not improbable that the "three thousand" spoken of so feelingly by the gentleman from Clinton, got their discharges and formed the high purpose of returning to their allegiance just after the Pea Ridge fight! But, in all sobriety, is it not astonishing that the vagrant scrap cut from the Democrat should be so relied on, so much exulted over by Judge Birch? When did the Democrat become authority with him? Gen. Price said to the world in his "hark from the tomb" proclamation, that he had received from Missouri, under Gov. Jackson's call, not more than five thousand men, and yet the gentleman would make the impression that to one district in this State "three thousand" had of late returned! He would make capital out of a statement which he himself knows to be false. He would have the people who reads his speech believe a statement as true which he himself discredits.

What if these have come home of late! We should receive them and protect them. But did we tell them they should be admitted to the elective franchise? Did we tell them, although you have put the knife to the throat of patriotism; although you have secluded from his wigwam on our western wilds the savage Indian, and have stood side by side with him upon the blood-red plains of Pea Ridge, and seen him tomahawk our dying and scalp our dead soldiers; although you have fired from ambush; although you have precipitated trains into watery graves, murdering indiscriminately friend and foe, age and youth, innocence and beauty; and while you can say, "the hurricane I left behind is yet with lightning warm," while your hands are yet dripping with the blood of the murdered peace of society in Missouri,—that you should be admitted to minister the sacred things pertaining to civil and political affairs—that you should administer the laws of a government which you have betrayed, whose authority, aye, very existence, you denied? Have we not a right, in all conscience, to say to these men: You have sinned against the Government of your fathers, lay down your arms, return to your families and allegiance, we'll protect you in your person and your property; but while the storm of revolution yet rages, we prefer to place at the helm men who, through all the stormy scenes of the past pear, have directed and clung to the old ship of State? Let loyalty yet awhile reap its just rewards. Sir, if these men have come home with the honest purpose attributed to them, they cannot, they will not, complain that loyal men are to rule over them for a while. If they are sincere in their attachment to the Federal and Provisional Governments, they can fear no evil from their being administered by loyalists. They cannot expect less. There was not a man who entered the rebel service who did not stake all upon the success of that cause, and who did not expect to be dealt with as a traitor in the event it failed.

Gentlemen talk as though this amendment imposed a restriction extending to all time to come. Not so. The last section of the ordinance enabling the Legislature to repeal this ordinance is a virtual recommendation on our part to the Legislature to repeal it just so soon as the public good will suffer it. I shall not express my distrust of the honesty, the justice, the liberality of a loyal Legislature, by saying they will wantonly withhold suffrage from these men, because they have the power. I have more confidence in the Union men of Missouri than some gentlemen on this floor.

It is said this restrictive measure is *degrading* to those affected by it. The Governors of the various States, after a year's experience, have seen fit to recommend that soldiers in the army—the men who are offering their lives in support of the Government—should not be allowed to vote. Gov. Gamble did it in his message to this body, a few days ago. *Think you* it was the object or the effect of these recommendations to degrade these brave soldiers? The Constitution of Missouri proscribes the clergy from civil offices of trust and profit. Does this degrade the ministry? Our Constitution prevents our young men from voting before they are twenty-one years old. Is this a degradation to the young men of the land? Or, are these restrictions not thrown around the elective franchise as safeguards to preserve the health and life of the State?

It is argued by gentlemen that this is an "*ex post facto*" law, because it prescribes a punishment for an offence for which there was no punishment provided at the time of its commission. And these same gentlemen have voted for the application of this restriction to aspirants for office. You proscribe them because of past sins, and had no qualms of conscience on account of its retroactive character. The versatile gentlemen from Clinton says we would "*degrade to the level of the negro*" *these men*, and that *he* will never be found denying men the right to vote, guaranteed to them by the *Constitution, unless prosecuted to conviction* for crime. And yet, in the same breath, he expresses his willingness to proscribe, and by his vote here has proscribed, men from voting who hereafter take up arms or levy war, and that, too, without any prosecution to a conviction. He is a venerable man, full of consistency! The restriction is no punishment. It is a precautionary measure to guard the sanctity of the elective franchise against pollution. It is a mere consequence flowing from a past act, extending in its influence to all the future. It is to check and bind with bands of iron this evil monster that this measure is invoked. It may work a hardship somewhere. But there never was devised by human wisdom a law that in the entire scope of its operations was healthful and harmless everywhere, and hurtful nowhere. The lesser evil must be endured, that the greater good may be accomplished. As to individuals, so to States, self-preservation is a first duty. It is an all-pervading principle of nature:

> It lives through all life—extends through all extent;
> Spreads undivided—operates unspent.

The gentleman from Iron is in error when he says there is not on record a parallel proceeding to this. In turning my eyes to the statutes of a State worthy to be called our sister, they catch an example well to be remembered and followed. It is not servile to imitate Kentucky. Her *whole history is a record of intellect*, chivalry and patriotism, and the heart of every loyal man—of every lover of freedom everywhere—thrills with a new spirit when he reads of her unbought and unpurchasable loyalty to the flag and Union—made sacred by the love borne them by her Clay. In this, the greatest of all crises, Kentucky has illustrated herself again. [Here the speaker read from session acts of Kentucky Legislature of 1861 and 1862, showing that she had not only expatriated all those who left the State either in a civil or military capacity thereafter to engage in the rebellion, but had passed laws to prosecute and treat as *felons* all who waged war on the State, and those who induced them thereto, and denies to secessionists any of the rights or privileges guaranteed to the political parties of that State by the act of, &c., &c.] It will be borne in mind, Mr. President, that these acts affect nearly all the rebels in arms from Kentucky, for up to their passage not one in ten had returned home. What are the results of such legislation there? From the centre of her great heart to its utmost verge she is loyal. No traitor rules in her counsels, because, with a decisive energy and boldness worthy of all her glorious past, she at once planted her heel upon the viperous head of secession, and crushed out its venom and its strength. Nor was anybody "*exasperated*" to that alarming extent which, like a frightful spectre, flits before the vision of my friend from Greene. "In words of learned length and thundering sound" we were told in this hall, last July, that if we made a Provisional Government we would "exasperate" somebody, and that every hill top and valley would become a smoking battlefield, and every rivulet run red with blood. And yet, the Provisional Government survives—is a proud monument of the wisdom and patriotism of this Convention. It is a splendid success. From its ramparts the banner of peace has been thrown to the breeze, and the people of Missouri are fast gathering and taking shelter under its healthful shadow. Whilst he who, by his rhetoric and fantasies, undertook to frighten this Convention from its propriety, himself left the State for the State's good, and turns up a peripatetic army lecturer in "Hard Scrabble," Arkansas. And this Convention has put upon him the seal of condemnation, by expelling him from its membership. I warn gentlemen, therefore, against any further imitation of his bad example.

A very nice discrimination is drawn by some gentlemen between office holders and voters. Their logic is too astute for me. Can it be denied that the sovereign people govern this country? The ballot-box is the political fulcrum of the nation. Through it office holders are created. Judge Orr would strangle the creature, but let live the creator. Like constituents, like representatives. Despite all your high-sounding theories about an official dignitary following the dictate of his judgment and asserting a manly independence, yet for the pelf and honor of place he is generally found searching out the prejudices and predilections of his constituents—not with a view to their correction, if thought to be pernicious, but to feed and flatter them, the better to ingratiate himself into the favor of the "*dear voter.*" So I argue against the danger lurking here. A man may for a *time* resist, but, like contact with any other vice, he will "first endure, then pity, then embrace." Disloyal men will always run and vote for the man whose views most harmonize with theirs. And your tender policy towards rebels will have your Legislature and all offices filled with "half breed," Janus-faced Union men, who will shed no tear even though patriotism wane and die.

The diseases of the body politic demand surgery and powerful nauseates. The homœopathic, "catnip" practice of some political doctors here will never relieve the patient. He may writhe under the treatment, but, after all, he will be on his feet, and will thank you for your resolution and skill. Let no threats—let no demagoguical cant about favoring abolitionism deter this Convention from the discharge of a lofty duty to the country. I would do nothing in malice. Heaven knows my bosom flows with sympathy towards the misguided of my race. The rebel cause numbers among its sympathizers all my kindred. My own father, now doubly dear to me because of his whitening locks pointing to the grave, differs widely with me on these issues. But between me and my country I know no man. I long for the day when families, and neighborhoods, and sections will be united, as I desire the States of the Union, in a common bond of brotherhood, affection and interest, when all of the past will be forgotten, except its friendships and its glories. This consummation, so devoutly wished for, will never transpire until the American people shall be brought to a knowledge of the truth as it is taught in the Farewell Address of Washington. When that day comes, as I trust it may, the glory attending the Republic will compensate for the struggles, the sacrifices of the present, and vouchsafe to us a country in which every freeman may delight to live, and for the preservation of which, if need be, he may be proud to die.

Mr. McFerran. I do not purpose now to argue the merits of the proposition at length at all. I simply rise more for the purpose of correcting an impression that may go forth from the speech of the gentleman from Pettis, (Mr. Phillips.) The gentleman, at the beginning of his speech, charges that certain gentlemen have made great changes, and, among others, that I have made a great change in my position. I do not think, sir, that the record will bear the gentleman out in the assertion he has made. It is well known that when I introduced, as chairman of the committee, the first ordinance, that I introduced with it the ninth section; and that a distinguished Senator of the United States, (Mr. Henderson,) in his argument before the House, declared that the ninth section was equivalent to the amendment of the gentleman from Greene. Hence, believing the amendment of the gentleman from Greene more practicable, and more apt to do justice, and more simple in its operation, I gave it my support; and in that vote I believe I had the concurrence of the gentleman from Pettis, as he then voted with me. I do not, therefore, deem it fair or just for the gentleman to make me cover his retreat from the support of that amendment.

Mr. Phillips. I will state that I gave my reason for supporting the amendment. I gave it my support because it took effect after the 17th of December, and thereby enabled the Convention to preserve its consistency; whereas, there was no consistency in your proposition, inasmuch as you went back to the 1st day of August.

Mr. McFerran. I am aware the gentleman has a perfect right to change his opinion, and I will not reproach him for it. It is a good man who will change his opinion when he is in the wrong. I find the gentleman here, the other day, voting with me for the amendment of the gentleman from Greene, which was not retrospective as to voters. The gentleman comes here now and advocates a retrospective test. I do not reproach the gentleman for changing his opinion, but I object—as he lives in a glass house—to his throwing stones at me.

Mr Phillips. I hope the gentleman will find some consolation for his predicament.

Mr. McFerran. Not at all. I tell you my course has been entirely consistent, and that I have made no change whatever. Another thing I desire to notice is this: The gentleman from Pettis, under a great flourish of trumpets, introduced the statutes of the great and glorious old State of Kentucky, and tried to have us believe we must follow her footsteps. I have read the statutes of that State, and I do not find a single line to justify retrospective action in respect to rebellion. The cases which the gentleman cited are not retrospective at all. The gentleman draws consolation from the fact that, in the first ordinance, it was declared that no person should be allowed to vote who had given aid, taken up arms, or given countenance or assistance to the rebellion; and that the advantage which the amendment of the gentleman from St. Louis has over that is, that it declares only those shall be disfranchised who took up arms, and levied war, after the 17th day of December. Why, these terms "levied war" have the same significance as the terms "given aid and comfort," &c., in the first section of the first ordinance. All those that are in the conspiracy, and have given aid, assistance, and encouragement to it, have levied war. That is the legal acceptation of these terms. Does anybody suppose that a man was ever convicted of a crime that he did not intentionally commit? I say the 1st section of the ordinance, as originally introduced — the first ordinance is substantially the same as the amendment of the gentleman from St. Louis; the only substantial difference between them being that the first section related to all those who had taken up arms, while the amendment relates only to those who have done so since the 17th of December last.

Mr. Dunn. Mr. President, we all agree that the object to be sought by the Convention is the restoration of peace, and that the only means by which this can be done is by securing obedience to the Constitution and laws. Missouri is a State in the Union. We are citizens of the United States and of the State of Missouri; and we owe allegiance to the Government of the United States, to the extent of the powers conferred upon that Government by the Constitution; and we owe allegiance to the Government of the State of Missouri, to the extent of the powers belonging to the State Government. Indeed, they are part and parcel of one Government. One is the complement of the other; and the destruction of either would result in the overthrow of civil liberty. Our stern duty, therefore, is to preserve both.

The Convention, at its first session, solemnly resolved that there was no sufficient cause to impel Missouri to dissolve her relations with the Government of the United States. The events that have since transpired have demonstrated the wisdom of this decision of the Convention; and if all the people of the State had yielded a cheerful acquiescence in the decision of the Convention, Missouri would have been preserved from the ravages of war; and if the people of the United States had acted upon the spirit of compromise recommended by the Convention, the Union would have been preserved without the shedding of fraternal blood. But our conservative counsels were drowned by the clash of arms; and some of the fairest portions of our State have been desolated; and the war is still raging with unmitigated fury in other portions of the Union.

I said on a former occasion, and I repeat it to-day, that we are as much bound by the provisions of the Constitution in revolutionary times, and in the midst of civil war, as in times of peace. All of our troubles have grown out of a departure from the principles of the Constitution. Secessionism and political abolitionism, the parent of secessionism, are at war with the Constitution; and the continued existence of our Government depends upon the triumph of the friends of the Constitution over both. Our Government has more than a half a million of soldiers in the field, for the avowed purpose of vindicating the supremacy of the Constitution against those in rebellion; and we can best perform our part in the great work of restoring the Union and the peace of our State, by observing the established principles of the Constitution.

If asked why ours is the best Government ever devised by the wisdom of man, my answer is, "because the Constitution is an embodiment of the accumulated political wisdom of all past ages, and secures, in the amplest manner possible, all the cardinal principles of civil liberty." If the people of our State were living in obedience to the requirements of the Constitution of the United States, and of the State of Missouri, and all existing laws, peace would reign throughout her borders; and I believe that a controlling majority of the people of the State are ready to do so. The destiny of Missouri is irrevocably fixed in the Union; a conviction of this fact pervades the minds of the people. The war has ended in the State, and it only remains for the State Militia to keep down guerrillas, jayhawkers, and marauders.

Entertaining these views, I am opposed to the postponement of the elections. I believe that a free election, instead of causing a renewal of strife, as apprehended by some, will have a tranquilizing effect. Let the elections take place; and let the elections be, as provided in the Constitution, "free and equal." I am opposed to the disfranchisement of any class of *bona fide* citizens of the United States and of the State of Missouri, who have the requisite qualifications as to age and residence.

According to the Constitution, every officer is required, before entering upon the discharge of his duties, to take an oath to support the Constitution of the United States and of the State of Missouri, and to faithfully demean himself in office; and the Convention, at its last session, adopted an ordinance requiring all officers to swear that they would support the Constitution of the United States and of the State of Missouri; and that they would not take up arms against the Government of the United States, or the Provisional Government of the State of Missouri, nor give aid or comfort to the enemies of either, during the present civil war. This oath did but little more than express in words what was already implied in the old official oath. The Governor in his message, and the Lieutenant Governor in a speech in the Convention, have commended the practical workings of the ordinance requiring this oath; and yet a new official oath, retrospective in its character, has been proposed. If the Convention desires to make additional provisions of a prospective character for securing in all officers fidelity to the Constitution of the United States, and of the State of Missouri, and a full recognition of their allegiance to the Government of the United States, and of the State of Missouri, I will give my support to whatever measures may be necessary to accomplish this purpose. I cannot, however, support any measure of a retrospective character, and I accordingly voted in favor of the amendment of my colleague from Clinton (Judge Birch) to strike out the retrospective features in the oath required by the ordinance pending before the Convention proscribing a new official oath. We permit foreigners from every country, upon being naturalized—upon their renouncing their allegiance to their old Government and taking the oath of allegiance to our Government—to hold office and to vote; and we ought to permit native-born citizens of the United States, who may for a time have departed from their allegiance, to renew their allegiance and to be restored to all the rights of citizenship, and among these the right to hold office and vote.

I would have preferred a strong prospective oath for officers, leaving the voters untrammelled; but as it is evident that the Convention will require voters as well as officers to be sworn, I prefer, among all the pending propositions, a simple prospective oath for voters. The one required in the second report of the committee is plain and effective, and will carry out the spirit of the Constitution by allowing all, who are at heart citizens of the United States, the right to vote if they have the requisite qualifications as to age and residence; and it will debar from voting all who are not willing to renew their allegiance to the Government. This oath binds the voter to support the Constitution of the United States and of the State of Missouri, and to bear true allegiance to the United States and to the State of Missouri, and not to take up arms against either, or give aid and comfort to the enemies of either. But as the Convention, at its present session, will require a stronger oath than this of all officers, I see no necessity to require any such oath of voters, as the allegiance of all the officers to the Government will be secured as far as it is possible for any oath to secure their allegiance.

I am opposed to retrospective oaths as to either voters or officers. Our State Constitution prohibits the passage of *ex post facto* laws and laws retrospective in their operation. And while I do not insist that this will preclude the Convention from adopting whatever oath may be deemed proper, yet I regard it as unwise to make our ordinances operate retrospectively, even if, as claimed by the gentleman from St. Louis (Mr. Breckinridge), we have the power to do whatever the safety of the State may require. Retrospective legislation is inherently wrong. The plainest principles of justice require that a law should be enacted and promulgated before any act forbidden by it should be visited by any penalty or disqualification that did not attach to the act at the time of its commission. Law being a rule of action designed to regulate the conduct of those within the sphere of its operation, the attempt to make it operate upon acts that took place before the law had an existence is absurd.

But does the safety of the State require the disfranchisement of all that have been engaged in the rebellion? This can only be true upon the supposition that the loyal citizens of the State are in a minority in the State. Whatever may be true in regard to some localities in the State, I am satisfied that a large majority of the people of the State are desirous of an opportunity to prove, by their votes, that they are opposed to any change in the Federal relations of the State. Many of those who at one time desired to take Missouri out of the Union, are convinced now that duty and interest, and the dictates of patriotism, demand that our State should remain in the Union. And if we will but consider the effect of the disfranchisement of a large portion of the free white male citizens of the State—the disfranchisement of all who were engaged in the rebellion, or who gave aid, comfort, or countenance to the rebellion, as insisted upon by some, it will be seen that the safety of the State forbids their disfranchisement. Aside from the danger that might arise from a class thus forced into hostility to those who have disfranchised them, we would find ourselves in the attitude of violating a great principle upon which our forefathers fought in the revolution. We would be taxing those that are not represented. I make no objection to the total exclusion from the polls of all persons convicted of infamous crimes. But to tax citizens of the United States who are not thus convicted, and who recognize their allegiance to the Government of the United States and of the State of Missouri, without allowing them the right to vote, will be taxation without representation. It is no sufficient justification of this exclusion to say that such persons embraced for a time the heresy of secession and attempted to put it into practical effect, if they are now willing to renew their allegiance to the Government. I am not willing to vote for an ordinance of the Convention which will preclude those who wish to retrieve their errors from an opportunity to do so. The President of the United States, our Generals, and this Convention at its previous sessions, have invited those in rebellion to lay down their arms and renew their allegiance to the Government, promising to all who would do so the full enjoyment of all their rights under the Constitution. We cannot, therefore, without reversing this wise and humane policy, exclude those who in good faith have accepted these invitations and renewed their allegiance to the Government, from voting or holding office. Let us remember, while we congratulate ourselves upon having kept our allegiance to our Government, that we were all once in rebellion against the best Government in the universe—the Government of the Creator of all things. And if in the Day of Judgment the test be applied to us, requiring us to have been loyal to the Government of the King of kings during all stages of the rebellion against it, we will be condemned. I am not willing to apply to my fellow-citizens a rule which, if applied to me, would exclude me from Heaven. I prefer to act upon the golden rule, "As you would that all men should do unto you, do ye so unto them."

Some favor the postponement of the elections from an apprehension that the secessionists will get control of the State; and others favor the postponement fearing that the abolitionists will carry the elections. A sufficient answer to such objections is, that the friends of the Constitution and the Union will triumph over both.

But two departments of our State Government are now in actual existence—the Executive and Judicial Departments. The Legislative Department exists only in theory, and, if we postpone all elections, we will be left without any Legislative department during the period of such postponement. We are left to choose between the election of a Legislature by the people, or the discharge by the Convention of the functions of the Legislature. I have no hesitation in preferring the election of the Legislature by the people, so that all the departments of our State Government may be restored to their full vigor. This course of policy will, in my judgment, conduce to the restoration of peace, by securing obedience to the Constitution and laws.

The question being on the adoption of the amendment to the amendment proposed by Mr. Shanklin, the yeas and nays were demanded, and the vote resulted: ayes 32, nays 37.

So the amendment to the amendment was lost.

Mr. **Orr** moved to amend by adding, "that all persons who had stolen, or impressed property contrary to law, since the 17th of December, should be excluded from voting."

Mr. **Breckinridge.** I hope the gentleman will withdraw his amendment. I am unwilling to believe the gentleman from Greene simply desires to hinder the action of the Convention. After a long debate we have now about arrived at a conclusion, and I hope the gentleman will withdraw his proposition to amend and let us settle this matter.

Mr. **Orr.** I hope the gentleman from St. Louis will not deem it unkind in me in differing with him as to the propriety of urging this measure. If we have spent the whole day in trying to come to a conclusion, I want the Convention to put this on record; if they want one class of individuals to be prevented from voting, I want them to say whether they are willing to have those who have stolen property shall be allowed to vote side by side with me. That is all I desire. I do not wish to be, neither will I be deterred from doing what I consider to be right. If the Convention will allow me, I will say that I was about the first man who had courage enough to take a position in that desk and oppose this thing that has been rushed upon us, and I am not afraid to do what I believe to be right. I have seen men driving stolen cattle from the country, and I do not wish to be degraded by going to the polls and voting with such men.

Mr. **Hall** of Buchanan. I have no doubt that it is proper to exclude from the elective franchise men who have violated the common law of the State. The friends of the amendment of the gentleman from St. Louis do not wish to let thieves and murderers go unpunished, but they leave the common law to deal with them; they have no amnesty for their offences. But it is otherwise with the men upon whom this amendment operates; they have had amnesty for their offences. The amendment of the gentleman from Greene would give perfect indemnity to one class, and I shall therefore vote against it.

Mr. **Shanklin.** I dislike on this occasion, as upon any other, to detain the Convention with any remarks, but I feel it is my duty to present the reasons which will actuate me in my vote upon the proposition now pending. I hear gentlemen talk a great deal about test votes. Now, I am new in this body and in all parliamentary bodies. I vote on each proposition, as presented at the time, in the way I deem proper and correct. The discussion of this question has taken a wide range, and a range that I, for my part, very much regret. This, sir, is a very simple and plain proposition. I left my home and came here fully believing that it would be proper and right to pass some such measure as is contemplated in the first section here. I do not favor a proposition of this kind, sir, from vindictive motives to those who have taken up arms. I favored a project of this kind before, and since I came here, because I believed it was necessary for the best interests of the State. After I came here and discussed this matter in the light before me, I had my doubts as to the constitutionality of a retrospective law, and the other day, you remember when we came to vote on Mr. Orr's amendment, I stated the reasons which actuated my vote; and the reasons were, that the whole section was objectionable. I did not think there was anything practicable in it. I did not regard it as a test vote, but I see it has been given out and is so considered. As I before remarked, I had some doubts as to the constitutionality of a retrospective law. This morning, when the gentleman from St. Louis introduced his amendment, I still had some doubts as to the constitutionality of a retrospective law. I, therefore, introduced an amendment in good faith, simply to ease my own conscience and to bring the matter within what I believed to be the provisions of the Constitution of the United States. In my judgment, it is not in the province of this Convention to punish those who have been in arms against the Government of the United States, because the laws of the country will do that. But it is the peculiar province of the Convention to throw guards around the ballot-box. This, I understood, is what it is proposed to do, and the authorities read by the distinguished gentleman, this morning, were entirely satisfactory to me in this respect. I am willing, and I shall now vote for the amendment of the gentleman from St. Louis, for the reason that it is within our province to throw guards around the ballot-box, and that is necessary for the safety of the State for us to do so.

Mr. Moss. I entertain the highest respect for the gentleman from Greene (Mr. Orr), his patriotism, wisdom, and good sense in all things. No man in this Convention desires to endorse thieves and robbers, even indirectly, and really it does not seem to me that this Convention has taken charge of the morals of the people of Missouri. I do not think this proposition has anything to do with the question we are desiring to settle, and I hope the gentleman will withdraw it. I really think, to say the least of it, that it is undignified and unworthy the consideration of a deliberative body. I say it in all kindness because I feel it.

The yeas and nays were demanded, and the vote resulted: yeas 8, nays 57.

So the amendment of Mr. Orr was lost.

Mr. **Woolfolk** offered an amendment to the amendment, providing that persons claiming to have engaged in the rebellion through duress, supposed obligations of duty, or fraudulent representations, might file an oath abjuring all attachment to the rebel Government and pledging themselves to bear true faith and allegiance to the Government of the United States, and be allowed to vote. The terms of the oath he proposed required them to swear that they had been in error, &c.

Mr. **Woolfolk**. I have just voted agains, the amendment of the gentleman from Grundy, because there is no principle in it. There is no justice in disfranchising a man who returns to-morrow from the rebel army, and yet allow the man who returns to-day the right of suffrage. The Convention has issued no proclamation notifying rebels that all will be disfranchised who fail to lay down their arms before the 10th day of June. It is, then, a mere matter of accident as to who will be disfranchised by the amendment of the gentleman from Grundy. Justice and principle are not invoked in determining the matter. I am in favor of the amendment of the gentleman from St. Louis, provided the amendment I have just offered can be added to it. If this ordinance should be retrospective at all as to voters, there is no time from which the ordinance could more properly take effect than from the 17th of December—the date of the expiration of the amnesty granted by the Convention. As the amendment of the gentleman from St. Louis stands, however, I am opposed to it. It embraces all men who have returned from the rebel army since the 17th of December, in one wide, sweeping clause of disfranchisement. It makes no distinction between the innocent and the guilty—between deceived and repentant rebels and rebels from choice, who merely submitted to the laws from necessity. There is no doubt but that there are hundreds of men in Missouri who have taken up arms through duress, supposed obligation of duty, or fraudulent representations, who are thoroughly repentant, and who would be proud to exhibit the fact by taking advantage of my amendment and filing their oath to that effect in the office of the County Clerk. I have several men in my regiment, among my best soldiers, who would be disfranchised by the amendment of the gentleman from St. Louis. There are several returned rebels in the Twenty-third Missouri Volunteers who did good service upon the bloody field of Shiloh. I merely mention these instances to show that our proposed action would be very unjust. There are hundreds of such cases all over the State. Such men ought not to be disfranchised. They would be proud to signify their repentance by taking the oath prescribed by my amendment. No unrepentant rebel would take that oath, for he would feel degraded by it. My amendment would do no harm, but merely make a proper discrimination. Justice should be tempered with mercy. God himself has set us a proper example. When our first parents had fallen from duty—like the secessionists—He did not doom the whole human family without discrimination. He provided means by which they might still be saved—by repentance and a change of life. Let us do likewise. You offer no encouragement to the repentant rebel unless you adopt my amendment. You send him forth into the wide, wide world, a disfranchised slave, with the brand of Cain upon his brow, and with no rainbow of hope to gild the darkened sky beyond. I am desirous to see the amendment of the gentleman from St. Louis passed together with my amendment. One would flash before the polls like a flaming sword, while the other would extend the olive branch of peace. In five years, if both remain in force, every returned rebel will either have fled abashed from the State or will have taken advantage of my amendment, and proudly point to the fact as an evidence of his loyalty. In this way peace will be restored to every part of Missouri, and her people will all be free.

Mr. **Allen.** It seems that the gentleman thinks that, unless we adopt his amendment, we are denying the right of repentance to these rebels. I am willing to let them repent, and to give them a good long time to do it. The General Assembly can repeal this section any time they see proper. Sir, when I think of the conduct of men in this country, who, with the light and knowledge they have had with reference to these great subjects, have persisted in their efforts to break up the Government, and have met their neighbors upon the battle-field, and have imbued their hands in blood; when I think of our brave men—Tindell and a host of others, who fell by the hands of the enemies of their country—I am not disposed, just yet, to receive these men back again, and grant them all the immunities of this Government. I want them to repent, and while they are repenting, I want them to see the result of their acts.

Mr. **Leeper.** My friend Mr. Woolfolk spoke of some of these repenting men returning home and joining the army. I wish to state a little incident to illustrate the confidence I have in their repentance. I was at one time engaged in the recruiting business, and I enlisted four men that came back as repentant rebels. They were very sorry, and were glad to be enlisted in the United States service. Each of them obtained a good outfit—a good horse and a Government saddle—and all of them shortly afterwards deserted and went back to Dixie, taking with them the Government horses and saddles.

Mr. **Hall** of Buchanan. By whose authority did you enlist them?

Mr. **Leeper.** By the authority of the commander of the post.

Mr. **Hall.** It was contrary to law.

Mr. **Leeper.** This is the experience I have, and this is the confidence I have in their repentance and their loyalty. These men took the oath prescribed for soldiers.

Mr. **Hall** of Buchanan. Under the amendment of the gentleman from Livingston, a man might stay in the rebel army until the war was over—for ten years if it should last so long—and then come and swear he had been deceived and duped into the rebellion; that he had been misled and mistaken, and thereupon be received back into the full rights of citizenship.

Mr. **Birch.** This amendment of the gentleman from St. Louis however intended, will cut off all immigration for all time from the Southern States, because, unless they swear they have not been in rebellion since the 17th of December, 1861, they can never come to Missouri.

Mr. **Hall** of Buchanan. Unless the Legislature permits them.

Mr. **Birch.** A Legislature elected under this restriction will never remove the restriction. I am certain, if this amendment is incorporated into the law of the State, it will be perpetual. They will only elect men of like mind, who will shut the gates of Southern immigration forever. Sir, I happen to know a few men in Virginia who went into this rebellion reluctantly. I know a gentleman who made the last Union speech in the Convention of Virginia. He stood by the old flag in Virginia until the last, and there are thousands of just such men — men with Southern feelings — States Rights men, — all through the South, who clung to the old flag to the very last moment. I need not explain how it is with a Virginian—how he goes as his State goes. But this amendment would cut off the immigration of these men forever. It would allow only Northern immigration, and if there were no other objection, I would vote against it on that ground. What is man without hope? Life without hope has no charms; and yet, not the slightest hope is held out by us to these men, who are to be proscribed by this ordinance. I remember, in the play of Bertram, how one of the characters exclaims, in the bitterness of despair, "Ah me! *I have no country!*" That is the condition in which we will place the men who will come under the provisions of this ordinance. *They will have no country!* When Edwin Price appeared before Gen. Halleck a prisoner of war, the General saw that, beneath the rough garb of the soldier, there beat the heart of one of nature's noblemen, and, as I have said, he restored to him his sword and his war horse, and sent him home; but you would say to this man, "You shall never vote." And you would say to the three thousand men whom the Democrat says have returned to one county, "You shall never vote;" but you say to the men of the North—pardon the allusion, I have to make it,—you say to Giddings, Sumner, Hale, and such men as they, who are *responsible for all this—who are the original authors of it*—" Come here and vote." I apologize, Mr. President. [Laughter.]

The question being on the adoption of Mr. Woolfolk's amendment, it was lost by a large vote.

Mr. Marmaduke moved to adjourn. Lost.

Mr. Birch moved a call of the house. Agreed to, and 67 members answered.

Further proceedings under the call being dispensed with, the ayes and noes were taken on the adoption of Mr. Breckinridge's amendment.. The vote resulted, yeas 35, nays 31.

So the amendment offered by Mr. Breckinridge was adopted.

The question being now on the first section of the ordinance as amended, it was passed.

Mr. PHILLIPS moved to reconsider the vote, and to lay that motion on the table. Agreed to.

Mr. Stewart, from the Committee on the Militia, submitted the following:

Resolved, That the rebellion has practically killed the institution of slavery in this State, and the rebels are responsible for it. In their foolish or *criminal* desire to make the negro question the paramount one, *overlooking* all other questions, they have inaugurated the most tremendous, unholy and uncalled for revolution which the pages of history have ever recorded, or perhaps ever will record. Having brought destruction upon their pet institution, these conspirators cannot charge it upon any other interest whatever.

Though it is to be admitted that there is, according to the Constitution of the United States, the right to hold all kinds of property, still there is no right recognized, either by the Constitution or by common sense, reason or patriotism, *to justify any set of demagogues to tear* down the National flag and substitute a rebel rag. Our Government is predicated upon the grand idea that though nations differ as to the policy of national matters, yet in the United States all citizens from other nations, upon taking the oath of allegiance to this sovereignty, become, to all intents and purposes, citizens of the United States.

A few men, entertaining the opinion that because they had owned the African, they had the right to own all the laboring classes of their own color, in consequence of the *fact* that they did not happen to be born in their own neighborhood; these same demagogues attempted to build up a new government, for the purpose of using all the benefits of American civilization for the benefit of themselves and their children.

It is believed that if the institution of slavery could be dispensed with upon terms of equal justice to all, the State would be benefitted by such action. Divested of all prejudice, the question of slavery in this State is a proper one for the mature deliberation of all classes, and more *particularly* for the slave owner himself.

The Convention thereupon adjourned.

EIGHTH DAY.

JEFFERSON CITY,
Tuesday, June 10, 1862.

Met at 9 o'clock.

Prayer by the Chaplain.

QUESTION OF PRIVILEGE.

Mr. LONG, on a privileged question, made the following explanation:

Having been either misunderstood in an explanation of my vote upon the Orr amendment, or the explanation omitted in publishing the votes, I desire to state that a single feature in the first section of the elective franchise was not clear to my mind as just and proper; hence I voted for Judge Orr's amendment to strike out, with the avowed purpose of moving another amendment to the residue of the section. This privilege, however, was cut off by its re-commitment. I have been all the while, and am still, firmly of the opinion that a strong safeguard should be thrown around Missouri ballot-boxes, and that the closest restrictions should be placed upon the voters — loyalty being the only fair test. Let loyal men vote, to the exclusion of those who have raised the red hand of rebellion against the Constitution and the laws of the best and most lenient Government on the earth—at least until they have been regenerated and washed of their sins.

CLAIMS AGAINST THE STATE.

Mr. Douglass, from the committee to whom was referred the memorial of Philander Draper, in reference to claims against the State, presented an ordinance in relation thereto.

Mr. Hall of Buchanan. I move to re-commit it, in order to make it general.

Mr. McFerran. There has been a bill reported from the Committee on Military Affairs that I think covers substantially the grounds covered by this bill.

Mr. Hall. I withdraw my motion for the present.

DIVISION INSPECTORS.

The bill for the payment of Division Inspectors was taken up and read as follows:

AN ORDINANCE FOR PAYMENT OF DIVISION INSPECTORS, AND FOR OTHER PURPOSES.

Be it ordained by the People of the State of Missouri in Convention assembled, as follows:

Section 1. That the unpaid Division Inspectors of the Missouri State Militia, as appointed by Provisional Governor, under the act of 1859, which act was revived by the Convention, shall be paid by the Assistant Paymaster of the Missouri State Militia, according to rank, from the date of their respective commissions, until the repeal of said act on the 17th day of October, 1861: *Provided*, such Inspectors entered upon and continued in the discharge of their duties as such.

Sec. 2. That the Governor may appoint as many Commissioners as he may deem necessary, whose duty it shall be to audit and report for payment, to the Quartermaster General of the State, such claims for Commissary and Quartermaster stores furnished to the State Militia, after the —— day of July, 1861, and before disbanding from the "six months' service," as shall be proven to be honest and just. The Quartermaster General, or any Assistant Paymaster of the Missouri State Militia, shall pay all such claims as may be audited and reported by said Commissioners to him for payment, unless such claims shall appear to him to be unjust and unfounded, in which case he shall return them to the Commissioner or his successor, who may re-investigate the same and make a second report on such claims or claim. Upon such second report being made, the amount reported for payment shall be paid by the Quartermaster General.

Sec. 3. That when soldiers have died in the "six months' service" Missouri State Militia, having pay or claims due them for such service, the administrator or legal representative of said deceased soldier shall be entitled to collect and receive the amount due such soldier from the officer charged with the payment of such claim; and in cases where the estate is so small as not to authorize an administration under existing laws, then the officer will pay the amount due such soldier to the widow and heirs of such soldier according to the law of distribution. And in all cases, in the Missouri State Militia, where a soldier has been or may be discharged for disability existing before his enlistment, he shall be paid by the Paymaster General the same amount he would have received or may be entitled to from the State or Federal Government if no such disability had existed; and in case of the death of such soldier, the amount shall be paid to his legal representatives.

Mr. Douglass. I do not think the ordinance as reported accomplishes the object I had in view, and I therefore move to pass it over for the present.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. Pomeroy, from the select committee to whom was referred the bill for the distribution of laws, reported the same back and recommended its passage. Mr. Pomeroy explained that the laws were sent to his county, but were destroyed; and this ordinance was merely to authorize the Secretary of State to furnish other copies to the county.

Mr. Phillips moved to add Pettis county, which was similarly situated.

Mr. Birch. I wish to ask whether we are to entertain local legislation?

The Vice President. The Convention has taken no action of this sort at all.

Mr. McFerran moved to lay the ordinance on the table. The motion was agreed to.

Mr. Woodson presented the memorial of Professor Swallow with reference to certain moneys due him from the State. Referred to the Committee on Finance.

Mr. Orr presented a report from the Committee on Revenue recommending the passage of the ordinance in relation to the Register of Lands.

Mr. Irwin, from the select committee, presented a report in regard to the petition of citizens of the Fourth Senatorial District for the expulsion of P. L. Hudgens, a member of the Convention. The committee report the evidence in the case is insufficient, and recommend that the petitioners have leave to withdraw.

Mr. Smith of St. Louis. I ask that the petition be read.

Mr. McFerran. I suppose that the report of the committee is all that the gentleman from Andrew could ask; and as the State cannot be benefitted by an investigation in relation to any differences that may exist between him and his constituents, I move to lay the report on the table.

Mr. Hudgens. I hope the gentleman will not insist on that motion.

Mr. McFerran. I beg the gentleman to believe that the motion is not disrespectful to him; but I am not willing to take up the time of this Convention in determining questions of this sort.

The report was then laid on the table.

The ordinance authorizing the Government to appoint artillery officers was taken up and passed.

Mr. Zimmerman offered the following:

Resolved, That this Convention adjourn on next Thursday, and stand adjourned until the next Legislature is duly qualified: Provided, the Governor, if necessary, may call the Convention together; and if it is not called together it shall be adjourned *sine die*.

Mr. Allen. I move to lay the resolution on the table.

The motion was agreed to.

QUALIFICATIONS OF VOTERS.

The ordinance in relation to the qualifications of voters. Several verbal changes were made in the ordinance by common consent.

The Vice President. The question is on the adoption of the third section as amended.

Mr. Scott. I move to amend in the fifteenth line. After the word "officers," insert "and all circuit court and county court clerks."

Mr. McFerran. They are already included.

Mr. Scott. To my mind there is something of that kind necessary. It occurs to me there may be some difficulty as to where the candidates for circuit court and county court clerkships should file their affidavits; and this is what induced me to offer this amendment.

The amendment was lost.

Mr. Howell. I desire to offer an amendment. Insert after the words "State of Missouri," "nor since the 17th of December, 1861."

I desire, Mr. President, to make an explanation as to the effect the amendment I have proposed will have upon the amendment as offered by the chairman. Yesterday we passed an amendment excluding all persons from voting who have been in the military service since the 17th of December last. The present ordinance, as reported, excludes all persons from holding office unless, before they shall have been appointed or elected, they shall file an affidavit that they have never taken up arms against the United States or the Provisional Government of Missouri.

Mr. McFerran. I rise to a point of order. The amendment of the gentleman is out of order, because this section is not now subject to amendment.

Mr. Howell. I do not intend to consume the time of the House but for a short period; I do not intend to indulge in speech-making proper, sir, any further. I was remarking when interrupted, that the effect of the amendment that has been proposed is to exclude all persons in the State who have taken up arms against the Government of the United States, from holding any office, State, county, or municipal, within the State. Now, I propose, by my amendment, that all persons who have been loyal since the 17th of December shall be allowed to hold office. Now, sir, I am no advocate here, and I do not desire to be considered as such, for those restless, turbulent, and evil disposed men of the country who have stood behind the scenes here and induced young men and others to take up arms against the Government of the United States or of Missouri; and if any gentleman is disposed to consider me as wishing to mitigate the offences they are guilty of, I am misunderstood entirely. I come from one of the rural districts of this State, and I have some knowledge of the working of this thing in the country. I do not profess, sir, to a more accurate knowledge of the operation of this thing than other gentlemen who come from the rural districts; but my experience is, and I have no doubt it is the experience of various other gentlemen here, that there are thousands and thousands of men as loyal, Mr. President, as you or I, or any other member on this floor, who have, under the stress of circumstances, given aid and comfort to the enemy during this rebellion. They have not done so, sir, to promote rebellion, but they have been so situated that they have been compelled to render assistance. Now, I appeal to the sense of the Convention to reflect upon what kind of a predicament men thus circumstanced will be placed in under this oath. They may be able to swear they have never wilfully or intentionally given aid to the enemies of the General Government, or the State of Missouri; but these men will never place themselves in a position to swear they have never done any acts of this sort, when there will be hundreds around them who will know to the contrary.

Mr. **Irwin**. Does not the word "wilfully" obviate the objection?

Mr. **Howell**. I think not. Now, the word "wilfully" might be satisfactory to the person taking the oath, but it would leave such an individual subject to the taunts and aspersions of those around him who will know he has committed the acts, and who will not be kind enough to explain to the world the circumstances under which they were committed.

Mr. **Moss**. I am sorry to be compelled to differ with my friend on this proposition, and, sir, before I proceed further, I will state that I am for this section and always have been. This is my method of reaching the object which we all desire, of keeping loyal men in office. I have been in favor from the beginning, and have so expressed myself, of putting restrictions upon the candidate or man who is to hold office, and I have been in favor of leaving the voter free from any retrospective restriction. But I am for retrospective restriction upon the candidates and always have been. I do not think this section is liable to the objection urged by my friend. He says there are many men in his county who are as loyal as any gentleman on this floor, but who have been, by force of circumstances, compelled to give aid to the rebellion. Why, sir, they are not included in this section at all, and I will read to show that men of that character who have been against it by expressed views and who have at all times discouraged the rebellion, except when overpowered by the influences around them, that such men are not governed by this section at all; and the word wilfully as used here, I contend, does give relief to these men. I have men of that sort in my county. They are Union men and have been, and whenever they have not been overpowered by the force of surrounding circumstances, they have been opposed to the rebellion, and I think they are excluded by this oath.

Mr. **Hitchcock**. I would like, for information, to ask the gentleman from Monroe if I am mistaken in supposing that the operation of his amendment would include all of Colonel Martin Green's company, who went back to North-east Missouri.

Mr. **Howell**. No, sir, I do not propose to modify the ordinance so as to relieve any man who has taken up arms or been connected with any organization against the Government of the United States, or the State of Missouri at any time. If my amendment is read, it will show that the limit to the 17th of December is only to apply to those who may have given aid or comfort. I desire to remark that I was not a favorite with Colonel Green's men. They had no love for me, as all my county knows.

Mr. **Hitchcock**. I would ask the gentleman this question. Does he not think there are a great many men, in some parts of the State, who, since the 17th of December, have been forced to give aid and comfort to the rebellion?

Mr. **Shanklin**. I have been somewhat acquainted with the pressure brought to bear upon young men to enter this rebellion in the country where I have been, and I have been doubtful in my views in regard to restrictions. But I desire the offices of the State to be held by loyal men, and loyal men only. Those who have been drawn into the rebellion are either too weak or too corrupt to hold office. I am, therefore, opposed to the amendment.

The yeas and nays were demanded on Mr. Howell's amendment, and the vote resulted: yeas 22, nays 44. So the amendment was lost.

Mr. **Comingo**. I thought I sufficiently explained my views on yesterday to set myself right, and be understood by all who heard me, but it appears I was mistaken. There is either an entire misapprehension of the position I assumed, or a wilful and designed misrepresentation of my language. I therefore feel constrained to add a few remarks this morning.

It was in effect, if not in express terms, stated by one gentleman, in his reply to the remarks I made yesterday, that there is a strong presumption that any one who entertains such views, entertains an undue sympathy for the rebellion and its friends. I must confess, sir, that I was pained when I heard that sentiment uttered here. If a man's views as to what is law and what is not, and what is sound policy and what is not, are to determine the question as to his loyalty, I ask how are we to get a standard by which all are to be judged? We find among the members on this floor, a great variety of opinions on these very questions. Whose shall we adopt as the standard? At all times, but more especially in times like the present, it is important to have some well defined rules by which the great questions that arise between the Government and its subjects can be clearly and properly settled. Can we ever get them, if the idea in the minds of some here of what constitutes loyalty is correct? Whose views of the law and of sound policy shall we adopt? The gentleman from St. Louis, (Mr. Breckinridge,) whom I regard as a friend, has one standard and I have another. He goes a step or two beyond me in declaring the law, and adopting a policy. He will, by his standard, hang, imprison, or fine me, on account of disloyalty; but to avert this calamity, suppose I conclude to adopt his standard, or, in other words, his interpretation of the law, &c. But this does not clear our coast of breakers. A third gentleman comes along entertaining still another, and, if you please, a more exalted opinion of law and policy. Judged by his standard, the gentleman from St. Louis and myself are in sympathy with rebels, and are therefore unworthy to be classed with loyal men. The gentleman from Linn (Mr. Smith) is the one who gave, more clearly than any other, expression to the sentiment to which I have thus referred. But I doubt not that he will some day see and acknowledge his error as to this. I presume he is a law-abiding man; and I believe he is a dispenser of the law in one of the courts of this State. Suppose he were to go upon the streets at this time and see an infuriated populace about to visit summary punishment on some one who had been guilty of murder or some other great offence, would he not raise his voice against popular violence? Would he not appeal to the multitude with all the energies of his soul, and beseech them, by all the considerations he could urge, to desist? I entertain no kind of doubt that he would.

Suppose, again, that he should see one about to become a victim to popular violence in any of its forms, excited by an offence, or even by repeated offences, against the laws of the land; and suppose he, as a good citizen, should raise his voice against it, and should admonish the people of the danger attending such acts as they were about to perpetrate. I ask him whether he could, with the least degree of propriety, be said to sympathize with the murderer, and the other violaters of the laws of the land, whom he might thus endeavor to protect? Surely not. So it is with regard to the proposition now under consideration; and so with regard to all others of a kindred nature. If a man see another about to do what he honestly believes to be a violation of law, or even impolitic in its character, it becomes his duty to raise his voice against it; but, according to the gentleman from Linn, he thereby manifests a sympathy for those whom he would protect against the punishment about to be inflicted, as he believes, in violation of the law. This, it occurs to me, is a narrow and illiberal view of the motives by which men are presumed to be governed in the discharge of a sworn duty.

Sir, I do not feel like casting reproach upon any member of this body. I do not feel disposed to use vindictive epithets in speaking of those present who do not take the same view of duty that I do. I do not feel like retorting upon them by conjuring up uncharitable presumptions as to the motives that impel them in their action, if I had the power to do so. I will tell the gentleman from Linn, however, that there are men all through the State who will concur with me in the views I entertain and have endeavored to present, and they, too, as loyal as he is, or as he dare or could wish to be. There are men in this State, and not a few I imagine, entertaining these views, who have that high regard for their country, which, I doubt not, actuates him; men, who would say to us, with fervid earnestness, "Do not, in your desire to punish the guilty, and preserve the Government, override the Constitution and the laws, if possible to avoid it;" and these too—all of them—men who, from their inmost souls, would sing of their country as one of old sang of the church—

"If ere my heart forget
Her welfare or her woe,
Let every joy this heart forsake,
And every grief o'erflow."

I have opposed all these measures which point to the disfranchisement of our citizens and their disqualification for holding office as unconstitutional. With regard to the section now under consideration, or, more properly, with reference to the amendment thereto, there are but two questions,—the one relates to its policy, the other to its legality. Touching its policy I shall not say another word, as it has already been most thoroughly discussed, except to add that I still think it doubtful, admitting that there can be no other questions growing out of it.

With reference to its legality, I will add a few words. I stated on yesterday that this amendment does one of two things: it creates a civil disability, such as may be created by a law defining the qualifications of voters, or it acts as a punishment upon those whom it reaches in its effects for an offence they have committed against existing laws.

If it can be shown to be merely of the former character, all discussion must end, except as to the policy of the measure; but if it should appear to be of the latter, no further discussion can arise. I have maintained, and I still maintain, that this amendment, should it become a law, will belong to that class of laws the passage of which is prohibited, the *opinion of gentlemen of legal ability to the* contrary notwithstanding. Now let us look for a moment at the ordinance, or, I should rather say, the amendment itself. It provides, in effect at least, that all who have taken up arms, or given aid, &c., against the Government, shall be, in consequence of so doing, disqualified to vote. I ask you, is it not manifest from the very terms of the ordinance itself that it is designed as a punishment to those to whom it will reach—a punishment for a misdemeanor—a *punishment for treason in all its* forms—and nothing more or less? If I am correct in my conclusion as to this, then, I ask you, how the question stands in a legal point of view? As a matter of course, every gentleman will admit that it is indefensible.

I ask the indulgence of the house for a few moments, that I may read one or two authorities, with regard to these retrospective laws, showing the light in which they are regarded by those who have written to inform us, and all *others who might come after them*, as to the law. I read from Walker's American Law, section 83, page 195:

> "There can be but one opinion as to the injustice of retro-active laws. It is a necessary maxim that ignorance of the law forms no excuse for violating it, because, otherwise, every transgressor would set up the plea of ignorance. When laws are prospective in their provisions, and promulgated before they take effect, there is no hardship in this maxim; for it is at least *possible* to know them. But when they are made to act backwards upon that which transpired before their existence, this maxim becomes inhuman, since it holds men responsible for knowing what they could not possibly have known. Again: retro-active laws are as absurd as they are unjust. The design of a law is to *regulate* conduct; that is, to fix a rule for it; and the idea of regulating past conduct involves an absurdity in terms. You may attach a new consequence to a past transaction, but this is not regulating it; for that which is past is beyond regulation. It cannot be altered, recalled, or avoided; and, therefore, ought not to be legislated upon. Give a Legislature power to pass retro-active laws, and no one can be safe, since his whole past life is liable to be animadverted upon. For such reasons as these, it is obvious that retro-active laws are fit only for tyrants to make and slaves to submit to."

This same author tells us that *ex post facto* laws are held to be retro-active criminal laws. Such is, no doubt, the case; all the authorities concur on this point. And it is because I regard this amendment as retro-active, and as possessing the character of a criminal law, that I oppose it. Treason, in all its forms is, and ever has been, and must ever be, regarded and punished as a crime. In one form it may be punished with death, or by imprisonment in the penitentiary, under the Constitution and laws of this State. In this case, conviction is followed by all the disabilities contemplated in this amendment. But there are many cases in which these disabilities do not attach at present, as will be seen by reference to our legislative enactments upon the subject.

The twelfth section of the act prescribing the punishment of treason, misprision of treason, &c., and the fourth section of the same act, indicate what punishment may be inflicted upon those convicted of certain offences partaking of the *nature of treason*. *In none of* these cases, the disabilities we are endeavoring to create attach under any of our existing laws. I might read from Sedgwick and Story, and other authors, with regard to the crime of treason, showing what it is, and how it may be punished, but it is not necessary that I do so. All the authorities show that a law that enlarges the punishment of an offence already committed, is *ex post facto*, and, therefore, unconstitutional and void.

Now, it has been argued by some that, inasmuch as new consequences may be attached to the commission of any particular offence, we have full authority and power to do what we are attempting. I do not hesitate to admit that if we were about to remove existing punishments from those who have been guilty of treason ——

Mr. Moss. The gentleman has read a law authority in support of the position he takes. I will just read a portion of it over again, and ask him a question. [Mr. Moss then read a part of the extract already given from Walker's American Law.] I now ask the gentleman if this is not attaching a new consequence to a past transaction?

Mr. Comingo. It is not, in the sense in which the gentleman assumes it to be; nor in the sense in which it may be done, or ever has been done. I suppose if we were to change the punishment for treason in such manner as to substitute a less or milder form for any of the severer modes now authorized by law, we would be attaching a new consequence to the offence, and would be acting in conformity with the authority cited.

To illustrate. If by existing law the punishment for treason, or any other given offence, were death, and we, or any other body acting in a legislative capacity, should change the law in such manner as to punish all such offences, as well those that have been as those that may hereafter be committed, with imprisonment for life, or in any manner less severe than death, we would be attaching a new consequence. So, too, would we be adding a new consequence were we to change the punishment now inflicted for malicious assault with intent to kill to fine and imprisonment in the county jail. In a word, any mitigation of the punishment that may be inflicted on account of an antecedent offence might be regarded as the attaching of a new consequence to a past transaction; and parties accused could not object to it.

But, sir, we are not attaching a new consequence, but an additional one. We leave all the old consequences standing, and attach another. The effect is just as I have stated it; and we are doing, indirectly, what we have not the power, and would not attempt to do, directly; for, I presume, no one here would vote for an ordinance any clause of which might propose disfranchisement as an additional punishment for treason, or any other crime heretofore committed. I do not hesitate to admit that all kinds of legal restraints and safeguards ought to be thrown around the exercise of the elective franchise, and the right to seek and hold office, that are not repugnant to sound policy. But, entertaining the views that I have expressed touching the character and effect of this amendment, I feel constrained to vote against it.

Mr. Flood. I wish to give the reasons why I cannot vote for that section of the ordinance. I am in favor of restrictions, but I am not in favor of the restrictions which that section imposes. If the amendment offered by the gentleman from Monroe had been adopted I could vote for it. I know in the section of country where I live that many of the best citizens in our county, from the impulse of the moment and from circumstances thrown around them, did for a time encourage this rebellion. I know that that ordinance will exclude the best citizens of our county from holding office. Why, when it was said all over the country that Frank Blair was coming with a mob to take the Capitol, and the Governor called upon the militia to rally to the support of the Government, the whole country was in a blaze, and the most loyal citizens we had responded to the call. It may be said from this that I am a secession sympathiser, but those who know me, know that from the first I opposed this movement. I look upon it as one of the most damnable heresies that ever was started—I look upon it as the twin sister of Abolitionism; and instead of being governed by higher laws, they are governed by lower laws, which come from the father of lies. But I do not want to exclude my fellow-citizens that are as loyal as I am, and rather than do it, I would say, let my right arm fall from my shoulder blade.

The third and fourth sections were then agreed to.

Mr. Ray moved to strike out of the fifth section, "ministers of the Gospel and school teachers."

Mr. Breckinridge. I only wish to express my hope, Mr. President, that this amendment will not be adopted. If I understand the effect of the ordinance, it is to prevent any minister of the Gospel, who is not willing to take this oath, from marrying persons. It does not prevent him from preaching, or burying the dead, or baptizing children. It keeps him from marrying those who wish to be married. I do not suppose it would prevent marriage, for there are plenty of justices of the peace in the country. The only effect is to show the purpose of such persons not to be loyal if they are unwilling to take the oath. I do not know any duty which appertains to the avocation of a minister of the Gospel, except the right of marrying.

Mr. Sheeley. I would ask whether, under the laws and constitution of this State, preaching does not amount to a duty.

Mr. Breckinridge. My attention has not been directed to that.

Mr. Hitchcock. I suggest that the difficulty raised by the gentleman can be reached by an amendment which I propose to offer.

After stating that these parties shall take an oath within ninety days, insert as follows: "And failing to do so, every minister of the Gospel shall thereafter be disqualified from performing any civil functions under the civil laws of this State."

Mr. Moss. I desire to make some remarks, and before doing so, I wish the clerk to read an amendment offered by the gentleman from St. Louis.

The clerk then read the amendment offered by Mr. Breckinridge on yesterday.

Mr. Moss. Now, Mr. President, I have no serious objection to shutting the man out from holding office who has been guilty of conduct of that sort—an office, in the exercise of the duties of which he might ruin the State. But while gentlemen may say it is right to prevent a man from voting and holding office who has been guilty of these things, it seems to me no law can prevent a man from teaching school or practising his profession. We are not here for the purpose of making beggars. Some men have learned to teach school as a profession and they know nothing else; lawyers are just the same in this respect; but you absolutely take the bread and meat from the mouths of their wives and children by this amendment. I, for one, am not willing to aid in bringing men to want and beggary in Missouri.

Mr. McFerran. This argument is out of order at the present time.

Mr. Moss. I move to amend by exempting attorneys and school teachers.

Mr. McFerran. I desire to say, as far as this oath required to be taken in the fifth section is concerned, I do not suppose any one desires to make it retrospective, and I do not want members of the Convention, in voting on an amendment that has nothing to do with that, to be influenced in their vote by believing that this oath is designed or intended to be retrospective. The question now is, whether ministers of the Gospel and school teachers shall take this oath. I think if there is any class in the State that ought to be put under the solemnity of an oath, it is the ministers of the Gospel. Of all the men in the State who have contributed to bring about the evils now on us, I think there is no class that is so responsible as ministers of the Gospel. The minister always does his work effectually; and whenever he gets to be a politician and gets among his flock, he instils poison into their minds, and all the arguments of politicians and orators can never remove it. If there is any class of men in this State who should be put under obligations of loyalty, the experiences of the last year show it should be ministers of the Gospel. I would rather except attorneys at law than ministers of the Gospel. I believe they are not as fanatical upon the questions involved in this rebellion as ministers of the Gospel have shown themselves. It can do no harm to make ministers of the Gospel loyal. I do not desire to make this oath retroactive as to them, nor do I think the Convention desires to do it; but that they should take an oath I have no doubt, and that the public safety of the State requires it. The ordinance, as it now stands, does not prevent or prohibit disloyal ministers from discharging their duties under the law. In all respects I think it does not go far enough in this respect. I do not think disloyal men should be permitted to preach in this State. Not that I have any disrespect for ministers of the Gospel, but because I have a high respect for the public safety and the peace of the State, and because I consider them more important than any considerations appertaining to individuals. At the proper time I shall move, unless I shall change my purpose, to make it apply so as to prevent them from preaching if they refuse to take the oath we prescribe.

Mr. Moss. I will say to the gentleman, if he will do as he proposes, I shall have no objection to his swearing ministers of the Gospel or school teachers in the future.

The Vice President. The question before the Convention is on agreeing to the amendment offered by the gentleman from Carroll (Mr. Ray).

Mr. Birch. I submit whether the gentleman cannot withdraw his amendment, and see whether it will be perfected as he desires it.

Mr. Ray. I am willing that it should be perfected.

Mr. Bogy. I move to strike out the words "school teachers and attorneys-at-law." That leaves only the preachers. I wish them to be excluded.

Mr. Ray. I make this suggestion to my friend from Davis. I will offer this amendment: insert after the word "ordinance" in the first line, "except so far as the same is retrospective." I think this amendment will make the section what its friends desire, and by common consent it can be made so to read.

Mr. McFerran. I suggest to the gentleman from Carroll that if he will withdraw his amendment and let me perfect the section, he can then renew it.

Mr. Ray. I will do so.

Mr. McFerran. I will offer this amendment to the fifth section. Amend by striking out section five and insert as follows:

Sec. 5. The courts of this State shall require all jurymen and attorneys to take and subscribe the following oath: "I, ——, do solemnly swear, (or affirm, as the case may be,) that I will support, protect and defend the Constitution of the United States, and the Constitution of the State of Missouri, against all enemies and opposers, whether domestic or foreign; that I will bear true faith, loyalty, and allegiance to the United States, and will not, directly or indirectly, adhere to the enemies or opposers thereof, or of the Provisional Government of the State of Missouri, by giving them aid and comfort, any ordinance, law, or resolution of any State Convention or Legislature, or of any order or organization, secret or otherwise, to the contrary notwithstanding; and that I do this with a full and honest determination, pledge and purpose to keep and perform the same, without any mental reservation or evasion whatever: So help me God." The same oath shall also be taken and subscribed by the President, Professors and Curators of the University of the State of Missouri, by all Bank officers, Common School teachers who are paid in whole or in part out of funds provided by law, and Common School trustees, by all officers of all incorporated companies of this State, and by all licensed or ordained preachers of the Gospel before performing the ceremony of marriage in this State, and filed in any County Clerk's office in this State; and every licensed or ordained preacher of the Gospel who shall perform the ceremony of marriage in this State before taking said oath, and every other person aforesaid assuming to discharge the duties pertaining to his said avocation under the laws of this State, without complying with the provisions of this section, shall be liable to prosecution in any court of competent jurisdiction in this State, by indictment, and upon conviction shall be punished for each offence by a fine not less than ten nor more than two hundred dollars. This section shall take effect ninety days from the passage of this ordinance."

Mr. Orr. I offer the following: Amend section five by striking out all that relates to ministers of the Gospel, school teachers, and school trustees.

Mr. Breckinridge. If I am not mistaken, there are no duties appertaining to the avocation of a school teacher, under the laws of the State. It would be well, perhaps, to add Common School teachers.

Mr. Orr. I beg the Convention to reflect for a moment as to where we are drifting. I have but little hope that anything I may say will stay the current; but I desire, nevertheless, to be heard for a few moments. I have been willing to restrict the candidates, and that was as far as I desired to go. I was opposed to placing any restrictions upon the voter, because I believed I was discharging a duty I owed—not to secessionists, for I stated the other evening that we were under no obligations to them whatever,—but a duty I owe to the country in which I live. You propose now to make ministers of the Gospel, and school teachers take the oath. Well, what do you expect to attain by it? Do you expect that every school teacher in Missouri will come up and take this oath? Do you expect every minister of the Gospel that performs the functions of his calling will come up and take this oath? You hear the gentleman from Daviess say that ministers of the Gospel have done more than any other class to stir up this rebellion, and I agree with him; but, notwithstanding all the "stirring up" they have done, we have squelched it out in Missouri, and proved ourselves adequate to the task of putting it down. Let us reflect for an instant as to the revolutions in Europe, and when we are disposed to enact extreme measures, be warned by the assumption and abuse of power which Cromwell displayed when he crushed all opposers, regardless of justice or humanity. Of course we do not expect to abuse the power entrusted to us; but, unless we have a stopping point, we shall find some day, when it is too late, that we have been guilty of the most grievous mismanagement.

Mr. Hitchcock. Mr. President, I desire

Mr. Orr. You can "pitch in" after I get through. I have a few words to say in reference to this subject, and then you can vote as you please. What do we see in the Congress of the United States to-day? We see individuals endeavoring to pass laws to inflict punishment on rebels without calling upon a jury of the country to say whether an individual is guilty or not. Have we drifted into the same channel? Are we not endeavoring to inflict punishment, and do the same thing? What do you see? Ex-Governor Brown of Tennessee, a man who was driven into the rebellion—one of the greatest men in Tennessee—stands up now and tells the people that the rebellion has gone down, and is a direct failure. He fought against secession as long as it was possible for him to do so; and he finally told them they could take him into the Southern Confederacy, but they could never make him vote for it, or fight for it; and now he comes out and acknowledges it a failure, and that all they can do is to bring certain destruction upon the South. Yet, we see here to-day, members of this Convention whose loyalty I never have doubted, standing up ready to enact the most extreme measures, although they were afraid to vote with me that the Georgia Commissioner should not be allowed to come in and discuss his treasonable sentiments at the first session of this Convention. Now, they are willing, when the Government has proved adequate to sustain itself, to pass the most extreme measures in reference to disloyal men. Mr. President, we are a great nation, and we can afford to be magnanimous; and I ask this Convention to manifest its loyalty, not by showing how far they can go in the enactment of extreme measures, but to show these rebellious men that, although we have the power to punish them, we can afford to be magnanimous.

I stood up here, when traitors were in crowds around me, and when my person was in danger, and advocated loyalty to the Government; and if everybody else had taken that kind of a stand, to-day things would have been different. But some of the best Union men in this Convention were in favor of acknowledging the independence of the Southern Confederacy, and advocated it in public speeches at that time, and they were as good Union men as I am. But these very same individuals are now in favor of these restrictive measures. Mr. President, I have seen a growing disposition to radicalism ever since this rebellion commenced. I do not doubt the loyalty of this body of men, nor do I throw reflections upon its action. But I ask you here to-day to reflect upon what is here proposed. I have taken a position I believe to be right, and I expect to stand by it. Why, sir, we have had rebellions in this Government before to-day. There was the whisky rebellion under the administration of Washington. He put down that rebellion, and nobody was ever proscribed for going into it. There was a rebellion in Tennessee, and after it was quelled the leaders of it went to Congress. What do you see in the Calhoun rebellion, and in the Hartford Convention arrangement? Why, the individuals that planned treason and acted treason were afterwards elevated to posts of high responsibility. Calhoun went to Congress, and was a member there with Jackson, who crushed his rebellion, and nobody dared to say he was not a citizen of the United States. Sir, it is a crime to disfranchise men without a trial. These men who have engaged in this rebellion are still citizens of the United States. South Carolina has an interest in the Union, and so has every State that has gone out; and, because they have gone with a crime, dark and damning, it is no reason why they are not citizens of the United States.

Now, what are we here for? Are we not a Union party and Convention? and are we not here for the purpose of restoring to its former prosperity the Union of these States? How? By crushing every man who is opposed to it? No, sir. If you want a Union, you must let these men be your equals. You must not sink them into a state of degradation, if you want such a Union as I want. But we have heard men ~~here say that~~ they did not want it in that way; we have heard men say that if we do not do just so, Lincoln will send a Federal army here; and break up this Provisional Government. I hope we shall hear such threats as these no more. I did not vote for Lincoln, but I am for him to-day, because he is for his country. Jackson and Clay were not friendly, politically; but when Jackson attempted to put down the rebellion brought on by Calhoun, Henry Clay and Webster were with Jackson, and gave him their united support until the rebellion was put down; and so we ought to give Lincoln our support until he has put down this rebellion. I have no fears that he will attempt to subvert this Government. Now, if these men are guilty of anything, I say punish them. If you have not got laws with punishment strong enough, I will help you to make them; but do not disfranchise and degrade them.

Now, Mr. President, I am willing to take any oath that is reasonable. I suppose it is well enough to require all civil officers to take it, because we can enforce the laws only when the officers of the court are loyal and regard an oath. But here is my old friend whom we have appointed Chaplain. Suppose he goes forth and promulgates rebellion. His head is silvered over with the frosts of many winters; and do you believe any oath we could prescribe would make him a better man? Why, it would be useless to make a man take this oath who would thus disregard his calling. I understand that it has been the policy of the Government of the United States to allow every individual to enjoy their own religious opinions; and I am unwilling to do the first solitary act that will interfere with the right of conscience in religious matters. If a darkey comes here from St. Louis to preach to the negroes, I am unwilling to debar him from the privilege. He is a preacher of the Gospel and has the right to preach, as I understand it.

Mr. McFerran. I ask whether the darkey would discharge any duties under the laws of this State? The section provides that they shall not exercise their civil functions unless they take this oath.

Mr. Orr. I ask of the gentleman if the laws of God apply to this State? [Laughter.]

Mr. McFerran. The laws of God are not the laws of the State.

Mr. Orr. I think I have said enough. I ask you whether we can expect to put down this rebellion by any such extreme measure as this?

Mr. Hitchcock. I desire to call the attention of my friend to two things in this ordinance, very briefly, which I think he misunderstood. All that part of his remarks which relates to acts in the past were wholly inapplicable to this ordinance. This ordinance does not punish any man whatever; it makes no distinction between men. It does not prescribe anything for the most active aider and abettor of treason in Missouri, which it does not prescribe to me and every other loyal practitioner in this State. It does nothing in the world except this: It says to all men who propose to live under the laws of this State—to all men whose avocations are prescribed, recognized, and authorized by the civil law—it says to them, "this civil law will not protect you in your avocations unless you are willing to say that you will ever bear allegiance to this Government hereafter." It makes no inquiry at all as to the past. At the last session of the United States Court in St. Louis, the distinguished judges of that Court considered themselves fully authorized and required to have every officer, beginning with themselves, take and subscribe to an oath, which is nearly *verbatim*, I think, with the one in this section; and in doing so, they thought proper to state elaborately why they did so. They recollected the fact that the Constitution of the United States prescribed an oath requiring all civil officers in each State to support the Constitution of the United States; and their very first act was to prescribe an oath, substantially the same as the one in this ordinance, for themselves; and this action was taken on the ground that notwithstanding the Constitution of the United States prescribed an oath for all civil officers, yet its true meaning, in consequence of the familiarity of the public mind with it, had, to a certain extent been lost sight of, and in these times it was proper to prescribe an oath with a due regard to the public law, which would require of a man in the enjoyment of the protection of this Government, to declare before God his willingness to bear true allegiance to that Government.

Now, it seems to me this is the true state of the case: There is not a particle of retrospective action nor distinction, and nothing in the nature of a discrimination, between any class of men. Why, then, it may be asked, is not every man in the community required to take this oath? I think a moment's consideration will suggest the reason. It has already been said that, in the administration of justice, it is manifestly necessary that those entrusted with that duty should be loyal citizens to the Government. This is a matter which I need not remark on—that unless grand jurors are loyal they will not indict prisoners; that unless petit jurors are loyal they will not convict; that unless lawyers are loyal we cannot expect them to administer law in the spirit of allegiance. Now, I will state simply this proposition, and I appeal to the candid sense of every man here. Other gentlemen have said, whose means of information are wider than mine, and my friend agreed in that statement, that, as a class, it is a melancholy fact that many, very many of those who claim to be ambassadors of God, have withdrawn their attention from those duties which require them to preach "peace on earth and good will to men," and have so far forgotten that injunction as to encourage the unhappy differences of the times. Is it unwise, therefore, when we remember the wide and powerful influence which these men exert in their calling—is it unfair, unjust, or unwise, that, in so far and no farther as they are authorized to perform the civil functions of this State, we should ask of them a recognition of their duty to the law? I think not, Mr. President. Surely the gentleman was not in earnest when he said this or that man would be prevented from preaching, unless he would take the oath. It has been expressly pointed out that, in reference to ministers of the Gospel, this section disqualifies them only in their avocations, under the laws of this State; and I take it that every man who knows anything about the matter, knows that, as far as preaching the Gospel is concerned, the laws do not recognize that function, except so far as the right to perform matrimony is concerned. Now, if they desire to continue in the performance of this duty, we ask of them, as we ask of lawyers and school teachers, that they shall not set up their claim for protection unless they are willing hereafter to render allegiance. In regard to school teachers, we ask that the same principle apply to them. The laws of the State recognize their civil functions, and all we ask in return is that they shall acknowledge their allegiance. We ask that they, into whose hands we commit the education of the young, and the duty of moulding the youthful mind —a work as silent as the dews of heaven, and no less fruitful—we ask—and there is a manifest propriety in the request—that they shall first of all acknowledge true allegiance to their Government. I desired especially to correct the misunderstanding of my friend, and to show that there is no retrospective action and no punishment here proposed.

The Convention then adjourned until 2 o'clock.

AFTERNOON SESSION.

Met at 2 P. M.

Mr. **Allen**. There has been a good deal said, sir, with reference to this amendment, and I propose to make a remark or two in reference to it, and give you the reasons at least why I shall support the amendment offered by the gentleman from Greene. I cannot see what good is to be accomplished by requiring an oath of this kind from ministers of the Gospel. If ever there was a time in the history of this rebellion when preachers and school teachers should be required to take an oath, that time has passed. Gentlemen say that no loyal man will object to it. This thing of swearing men ought to have some bounds to it. Men have been sworn all over the country; and I believe all the preachers in the State who have been suspected have been already arrested and required to take the oath, and it is hardly necessary to repeat the operation. If there is any good reason for requiring ministers to take that oath before solemnizing the rites of matrimony, is there not as much reason, or more, for requiring the parties about to commit matrimony to take it also? One reason, of some weight to those concerned, why it should not be required of them is, that it will cost each of them not less than one dollar to take the oath and have it recorded; and they are the last class of people that can afford it. I think humanity, and the dignity and respectability of this body, require that we adopt the amendment.

Mr. **Stewart**. I differ entirely with the views entertained by the gentlemen from Greene and Harrison. I believe if there is any one class of men in this State who have done more mischief, and who have had a greater part in getting up and carrying on the rebellion, than another, it is the preachers themselves. I consider it no disrespect for the preachers of the Gospel to take the oath as well as myself. I believe the most of them are the biggest band of traitors of any in the State. They have been more dangerous, too, for the reason that their influence is more extensive in the church, with the ladies, with the children, and at camp meetings. Though I believe in God, if I know myself, I don't believe in political preaching. I think the Gospel requires a minister to preach Christ, and him crucified—to attend to his business and let other people's alone. As to the remark of the gentleman, in reply to Mr. McFerran, as to whether the laws of God had anything to do with the people of Missouri, I should have replied that I thought they had before the rebellion came up, but the devil has had everything to do with it since. [Laughter.] My experience has been that these preachers, especially the Methodist preachers, some of whom have been editors of newspapers, and preached not only from the pulpits but from the press, have been more mischievous in scattering the seeds of secession than any other class of men. I don't believe there is any argument in the appeal made by the gentleman from Greene to the gray hairs of our Chaplain. There are a number of preachers on this floor who, unless this act should cut them off for acts under which they are and ought to be silent, might again open their mouths as heretofore. Some of them are under bonds which ought to forever keep them from again entering the pulpit; and some have had their churches closed against them. A good preacher is a good institution, but a bad one is one of the meanest things in the world, because he has the power to do mischief—just as I told you on one occasion about the devil; he was a bad man, but an intelligent man; but he could not fool Christ. He took him up on a hill and showed him all Europe, Asia, and I believe Africa; and I should'nt wonder if he brought him over into Missouri and showed him a "quarter section" here. [Laughter, followed by the fall of the gavel, and a call to order.]

Mr. President, I am confining myself to a comparison between good and bad preachers, to show that they are not too good to take an oath. Now, Christ was the first preacher, and inculcated some sentiments of morality; but the devil was of another stripe—he took Christ up into a mountain and showed him all the earth, and told him if he would fall down and worship him he would give him half. Now, Christ, besides being a good preacher, happened to be a better lawyer than the devil, and told him that, though he would like it very well, he wanted a better title to it than he could give [laughter]; and said he: "It is my opinion that you don't own a foot of it; and you must get out of this. [Increased laughter, and another call to order.]

When preachers attempt to be bad men, and are such naturally, they slip in under sheep's clothing, and are the most dangerous people in the world. As they have an immense influence in every community, I think they should be required to come forward, like other influential men, and take the same oath not to preach treason.

Now, Mr. President, if I am out of order, just let me know, and I will get up a new platform and start afresh, for I am not of that class of men who stand on two platforms at the same time. I hope there is no disposition on the part of any member here to favor any class of men in order to get their influence and their votes. I know preachers who have great influence with the ladies, and who used to join with them in sticking out little secesh flags from windows whenever companies of traitors came home; or they would be the first to present a buoquet, or something of the kind. I don't think it will hurt any preacher to take the oath. There are some men out of whom you can't get secession except by putting a rope around their necks and choking it out of them. And this would have another good result; it would prove that hemp is some king as well as cotton. Being out of order, I think you will thank me for the attention I have given you and myself on this occasion; and I will reserve further remarks for another time. [Laughter and applause.]

Mr. Birch. I desire to offer this proviso, which I will read for information. "*Provided*, that those persons who have heretofore taken the oath prescribed by General Halleck, at the instance of the Governor of Missouri, shall be exempt from the operation of this section." I shall vote against the motion to strike out, because I believe if there be any necessity for an oath at all, it should be applied to preachers. I may as well say I shall vote against the whole bill as being wholly impracticable. I shall limit myself, however, at this time, to a mere defence of that much erring, yet most grossly and vulgarly abused class of men called preachers. I have not had occasion to use the word "vulgar" since I was a man, but when I hear just such remarks made as have been made in relation to preachers, I do not care to mince words. Sir, I happen to know the preacher who has been referred to. He is a man who, if he had chosen the forum of debate, or if he had chosen to wear the sword on the hip, or the practice of medicine, the law, or anything else, would have stood foremost in his profession. But he has chosen instead, and in accordance with his convictions, the meek and lowly calling of Jesus Christ. He is a member of the Methodist Church South; and I presume it is him to whom the allusion has been made by the gentleman, that he knew a preacher who had preached secession and whose church had shut on him. Now, I happen to know him very intimately—and I will tell his name, if I think proper, before I conclude—and I am happy to say it stands as good as any other man's in the State or anywhere, whether preacher or President—I know that gentleman intimately, and I know he was a stationed preacher at St. Joseph, until the closing up of his church by the military authorities and his expulsion to Chillicothe, where he is now, plowing with his own hands.

Mr. President, he never preached, before the rebellion, and has not yet preached—and I make myself responsible for the assertion—secession in his pulpit. I will not say a word in relation to the specifications against him, for I never had my attention called to them; but this gentleman told me that it was utterly untrue that he had ever uttered a word of secession politics in his pulpit, and I make myself responsible in declaring that he told the truth. He is not the man to speak an untruth, or involve his friends in endorsing him. I therefore distinctly assert, in the plainest language, that, so far as the charge of preaching secession politics was meant to apply to this gentleman, it was wholly untrue.

Mr. Stewart. I wish to ask one question.

Mr. Birch. I will so far assume that it is a respectful one as to yield to the gentleman.

Mr. Stewart. I mentioned no names at all. I know a certain church was closed; and as regards any personal responsibility, I have got as much of that sort of thing as any other man.

Mr. Birch. He called no names, but he said a gentleman's church was shut up, and there is only one Methodist church South in St. Joseph; and I say that it is untrue that the pastor of that church ever preached secession politics from his pulpit, but, on the contrary, most sedulously avoided it. I must do justice to that gentleman, as well as myself. He is one of those unfortunate men, who in his heart of hearts believes—such has been his misteaching—that a State has the constitutional right to secede, and hence, in these troubles with the South, his feelings have been that they might win their independence. I have had many controversies, almost quarrels with him on this subject; and, I will not blink it here, he is married to my daughter, and seven of their children are my grand-children. He is, as I have said, one of those unfortunate and misguided men who believe that a State has the right to secede, and hence he has hoped that the South might win their independence; but he is opposed to the secession of Missouri. In all his correspondence he has opposed the secession of this State, and especially since this Convention ordained the State of Missouri to be in the Union; yet, for some cause, the military authorities of St. Joseph did close that gentleman's church. I tell you what he told me, and I know it is the truth. He was sent for by the respectable military commander of that place, and made his appearance there, and inquired why he had been ordered to appear. A gentleman replied that he understood he had not taken the oath prescribed by General Halleck.

Mr. Orr. I rise to a point of order. I do not recollect that my amendment has anything to do with the character of any particular preacher.

Mr. Birch. I am sure I will say nothing objectionable to the most fastidious, unless he chooses to shut out the truth. But I come to the point. He was notified that General Loan had understood he had not taken the oath prescribed by General Halleck. "You are entirely mistaken, gentlemen," he replied, and he at once produced the oath. He was discharged; but a short time afterwards he was sent for again, but I cannot remember what transpired well enough to repeat it. Suffice to say, he was forbidden to preach in his pulpit, and his church was closed, as stated by the gentleman; and by and by he took counsel with me, and I told him if they would not permit him to preach and pray in St. Joseph, it would be better for him to go and preach and pray somewhere else, or come to my house. He had a farm in Chillicothe, and he determined to move upon that. I gave him a yoke of cattle and a plow, and other farming implements; but he had not been there but a short time before a military order came forbidding him to preach and pray there; and I have heard that they have again required him to take another oath; and yet he is loyally opposed to the secession of Missouri, but he cannot rid himself of prejudices resulting from his education. That is all there is of it. I now come back to the remarks of the gentleman, and his attack upon the Southern Methodist Church. He is of course acquainted with the first dawning of the troubles in that church, when Bishop Andrew was expelled at Baltimore, purely because he had married a woman who owned slaves.

Mr. Smith of St. Louis. I have the greatest respect for my friend, as every one must see from the way I follow him in his perambulations about the House [laughter]; but I ask the Chair if it is at all pertinent to this Convention that he should recite the history of his son-in-law?

Mr. Birch. I have not one word more to say about him. I am now speaking of the expulsion of Bishop Andrew ——

Mr. Smith of St. Louis. I cannot see what the Methodist Church has to do with this question. This proposition is not to exclude Methodist preachers any more than any others; and the organization of the Methodist Church, North or South, has nothing to do with the question.

Mr. Birch. I wish to satisfy the Convention they ought not to require a different sort of oath from that required by General Halleck;

and I am going to show that these Northern preachers inaugurated this thing.

Mr. President, what are the facts? I see there an aged gentleman, whose society I have enjoyed for many years. If I should abuse the courtesy of my station here by denouncing him and invading the sanctity of his hearth-stone, by speaking of it as impure, and all that, that aged man would strike me to the earth, or do his utmost to do it. He is technically the aggressor, and before a court would be fined for assault and battery; but, morally, the man who steps forward and denounces him is the really guilty party. Hence, sir, in that connection, these Northern preachers are the ones who have fired up these men at the South, and induced them to engage in rebellion.

Since 1796, commencing with Osgood, Parish, and others belonging to the fanatical school of preachers in the North, the fulminations of the Northern pulpit have been directed against the institution of slavery. Northern preachers have denounced all association with slave-holding men; and, in the very words of the historian of that period, Mathew Carey, "their preaching has tended to incite southern slaves to rise and massacre their masters."

Mr. McFerran. I rise to a point of order, and I would like to have it decided, as there has been several points of order in relation to this discussion. Now, I see nothing in the amendment proposed, or in the original section as it stands, that would authorize the dragging in of the slavery question or the division of the Methodist Church. I do think, sir, that to give so much latitude to debate there will be no end to our discussions. I see no injustice that will be done to the gentleman who has been so eloquently addressing the House, in simply putting a stop to this latitude of debate. I desire to know, in this connection, also, whether this pestiferous slavery question is to drive out all other questions.

Mr. Birch. I ask the gentleman to call to order the men who provoked these replies.

Mr. McFerran. I did not understand the gentleman from Buchanan (Mr. Stewart) as making any allusion to the slavery question. While the gentleman confined himself to a defence of the man whose church was closed, I made no objection.

The Vice President. I will state to the gentleman that the amendment he has offered provides for applying an oath to all ministers of the Gospel. The gentleman from Greene moves to strike out that portion; and the question, I presume, would be on the impropriety or propriety of ministers taking that oath. The Chair does not like to prescribe how far a man can go in the discussion of a question, and I can only put the question to a vote.

Mr. Birch. I will cut it short, Mr. President, by no longer dwelling upon it. I have sufficiently noted the primary course of all these troubles; and I believe to-day that if the calumnious and incendiary voices of political preachers and fanatics could be stopped, everything would soon again come right of itself. I have but repeated these views, however, as a reason why I have always been disposed, as the records of this Convention will show, to deal as forbearantly and as gently as possible with those (whether in or out of the church) who have been exasperated or misled beyond the boundary of strict loyalty, and who are now disposed, in good faith, to co-operate with the rest of us in the restoration of the Constitution and the laws.

Mr. Sol. Smith. Mr. President: I propose to say something on the subject of this proposition to exclude preachers from the operations of this ordinance, but I will intrude myself upon the attention of the Convention but for a very few moments.

I begin by saying that no man holds the clerical profession in greater respect than I do. I have the pleasure of a personal acquaintance with many good men who are preachers; but there are exceptions to all rules, and I am sorry to say that I have known some members of this honorable and honored profession who were not exactly what they ought to be—who, in fact, "Stole the livery of Heaven to serve the devil in."

I consider this attempt to exclude preachers from the privilege of taking the oath as an attack upon the reverend fraternity, and I have been waiting for some member of that fraternity, (for I am told there are several on this floor—I see one just waking from a snooze upon the sofa yonder—the gentleman from Andrew, Mr. Hudgens, one of the watchmen upon the towers of Zion; I fear he has been sleeping on his post.) [Laughter.] I say I have been waiting for some of them to take up the cudgels in their defence. None offering to do so, it may not be improper for one who was for thirty years a member of a *kindred* profession (the stage), to take the part of the black-coated gentlemen on whom such a slight is attempted to be thrown by my friend from Greene (Mr. Orr.) Strike out the clergymen! It must not be—it shall not be, if I can prevent it. Let them take the oath. Let there be no discrimination. It will do them good. It is said our worthy Chaplain was the first man in his county to go forward and take the oath—not because he was *required* to do it, but because he thought it would do him good, besides setting a good example. I am told, at one time the President, General Scott, and the Cabinet at Washington, were in the habit of taking the oath every day—*about* 11 *o'clock*—[laughter,] and it, no doubt, did them good. *I* took it in St. Louis, (as a director in a Savings Institution,) and I am quite sure I am not any the worse for it. Nearly all our preachers in St. Louis took it frequently, if not oftener.

Our old Chaplain (Mr. Monroe) didn't take the oath. In fact, finding he could not conscientiously pray for this Convention any more, after we performed the decapitating process upon the late Governor and the Legislature, he went over to Dixie to pray for Price and his army. Let other preachers who cannot take the oath follow his example.

Let them all take the oath, or quit preaching or marrying people. I do not wish a man to bless the *union* of a son of mine and some one's fair daughter, and then go off and preach *dis*union. I do not want a man to administer the sacrament of the Lord's Supper, commemorating the death of our blessed Saviour, who came to preach peace and good will to all here, and then go forth preaching and practising rebellion, slaughter, and the destruction of our Government. Let them take the oath, like other people, say I.

I know and acknowledge that there *are* people, in both sections of our country, who seem to have forgotten their sacred calling and taken entirely to political preaching. Such wolves in sheep's clothing I do not defend. The gentleman from Clay (Mr. Moss), spoke of a *Dark Cloud* which he saw rising in the North. I have seen that same cloud. It is composed of the pestiferous breath arising from three thousand preachers, who undertook to take charge of public affairs on the passage of the Kansas and Nebraska bill. The Kansas business being at last settled, the black cloud now hovers over the National Capitol at Washington, and is kept in full size by the no less pestilent breath (and gas) of radical abolitionists in the House and Senate Chamber, Sumner, Lovejoy, and their like, added to by the breath and gas of outsiders, such as Wendell Phillips, Garrison, the ghost of John Brown ("marching along,") and the Devil! I ought, perhaps, to have named the latter gentleman first. [Laughter.] If these radical abolitionists did not bring on the war, as charged here, they are undoubtedly prolonging it, for they are determined to prevent a peace which shall bring back to us the Union as it was. It is not strange that a counter-cloud arose from the preachers at the South. When cloud meets cloud, "then comes the tug of war."

> "Can such things be,
> And overcome us like a summer's *cloud*,
> Without especial *thunder!*"

No. There *was* thunder. The first clap was heard at Fort Sumpter, and we have heard loud thunder ever since all round the horizon. The last thunderstorm was at Memphis. The next will probably be at Richmond, and I call upon the loyal preachers to pray that that may be the "clearing up storm." We have had the cloud over Missouri, but thanks be to the good Lord and General Halleck, backed by the stalwart arms of our brave army, the weather has about cleared up, and we see nothing here now but a blue sky.

I say once more, let the preachers have the privilege of taking the oath, and let there be no more treason preached in Missouri. I conclude these disjointed remarks by saying, and insisting, that a preacher is as good as a lawyer, a merchant, a doctor, a farmer, or "any other man"—if he behaves himself. But, to make all sure, let him take the oath. I stand up for the preachers and vote against the proposition to strike them out.

The question being on the adoption of the amendment of the gentleman from Greene, it was lost—ayes 33, noes 33.

On the question of the adoption of the substitute offered by Mr. McFerran, it was adopted—ayes 36, noes 33.

The remaining sections of the ordinance having been also agreed to,

Mr. Comingo offered a substitute for the whole ordinance, which was not agreed to.

Thereupon the ordinance was placed on its final passage and passed—ayes 42, noes 27.

Mr. Hendricks, in explanation of his vote, desired that the ordinance should cease to be in force after 1864.

Mr. McFerran moved to re-consider and to lay that motion on the table. Agreed to.

POSTPONING ELECTIONS.

Mr. McFerran moved to take up the ordinance reported by the Committee on Elections to continue the present Provisional Government in office.

The motion was agreed to.

Mr. McFerran. I would like to get the attention of the House while I briefly discuss the proposition now before it. I regard this proposition as of great importance. The Provisional Government which has been established by this Convention, is the creature of the Convention, and the Convention stands before the State and the whole country as responsible for it. This being so, I desire for a short time to try and convince the Convention that it is their duty, and within their province, to continue this Government which they have established until the next general election for State officers. I desire to state here, sir, that the objection to postponing the other elections does not apply to this. The charge that has been made that the Convention was about to postpone all elections, and by doing so disfranchise the loyal men of the State, has no application whatever to this ordinance. Under the constitution and laws of this State, the Governor, Lieutenant-Governor, and Secretary of State, are elected every four years, and the ordinance now under consideration simply proposes to keep them in office until the expiration of the term, which ends in 1864. To order an election for these officers is in conflict with the operation of an ordinance passed by this Convention at its last session, applying a test to civil officers. Under the operation of that ordinance, several of our State officers went out of office and others were appointed in their places for the residue of the term. Hence, under the operation of this ordinance passed by the Convention, the greater portion of the State officers are in office for the residue of the term, until 1864. Now, sir, the people do not expect, and there is no law of the State that authorizes the people to elect these officers, Governor, Lieut.-Governor, and Secretary of State, at the next election. The people are not entitled to vote for these officers until July, 1864, so that there is nothing in this argument of disfranchising the loyal voters of the State by postponing the election, as far as it has reference to these officers, until 1864. Another reason for continuing the officers in power during the residue of the term is this. They have been in the control of the Provisional Government from its organization to the present time, and they are familiar with all its details and with all its operations. Military forces have been organized and officers have been appointed to command them by this Provisional Government, and this Provisional Government is familiar with all the details and with the control of that military force; and, in addition to that, they are familiar with the constitution of the State; and a year's experience amid the turbulent scenes that have been enacted in that period, no doubt has qualified them for the better discharge of their duties than could strangers expect to be. Then, sir, considering the present officers of the Provisional Government are familiar with the present condition of the State, that they are familiar with its civil position and its civil authority; considering the fact, sir, that it has the confidence of the people of the State; considering our situation as a State and what the effect would be in the event of a general election all through the State, and the exciting scenes that might transpire,—I hope the Convention, as they have assumed the responsibility of inaugurating this Government, will continue it in power during the residue of the term. This question, gentlemen, has been argued ably before the Convention at the present session. I recollect the speech of the Hon. Mr. Hall, now absent, and the members of the Convention doubtless recollect the points he made in discussing this matter. But, sir, for fear there may be some who are tender-footed, as it were, in relation to postponing the elections, I desire to state here, that I am utterly opposed to the postponement of any general election to be held in August next. I desire that all officers, except those enumerated in this ordinance, should be elected by the people. There will be a moral force in an election by the people of this State, the effect of which cannot be attained in any other way, or by any other means. The law requires such an election this fall, and to prevent it will, perhaps, cause excitement.

Again, sir, it is returning to the old order of things and getting back to the path which we have all been accustomed to walk in in days of prosperity and peace. Again, sir, an election for members of the Legislature and Congress is local in its character, and no excitement will be likely to arise. In this respect it will be essentially different from an election for State officers. Then, sir, as I have said, I am in favor of electing all officers not enumerated in this ordinance, and I am just as much in favor of retaining the present Provisional Government. There is no reason why this Government should not be continued. As chairman of the committee that reported this ordinance, I deemed it my duty to present its merits to the Convention, and having done the best I could in this respect, I now submit it for the action of the Convention.

Mr. Moss. I will now offer an amendment to dispense with all elections and authorize the Government to make the necessary appointments. I have already discussed the merits of this proposition, and I presume members of the Convention thoroughly understand it. Every gentleman will see that the object of this amendment is to put off all elections, except members of Congress. The argument of the gentleman from Daviess in favor of keeping the Governor, Lieut.-Governor, and Secretary of State in office, deserves a passing notice. The gentleman does not argue the real merits of the proposition, but gets up and pleads the statute of limitation. He says it is not time for holding an election for State officers, but he does not give one solitary reason to this Convention why an election should take place for members of the Legislature. Why, when this Convention, at a former session, passed an ordinance for an election in August, they intended to have an election in August; it was not then thought wise or advisable for this Convention to keep any State officers in office, and there was to be a general election. I want to know what reasons there are now for keeping these gentlemen in office that did not exist then. Mr. President, there are *reasons for it, and the same reasons which* would present themselves at once to the minds of this Convention in favor of keeping the Governor, Lieutenant-Governor, and others in office, will present themselves with like force against having an election for members of the Legislature. As I remarked the other day, what are you saying to the people by this proposition? It is ridiculous and useless to talk about the reasons offered by the gentleman from Daviess, that this is not the time for an election. What does this ordinance mean? It says you are in a condition to elect members of the Legislature, but you are not in a condition to elect a Governor and Secretary of State. Sir, the people will see through this artifice. The gentleman who is chairman of that committee has undertaken to present to this Convention a reason for this action, but what is it? It is no reason in the world affecting the merits of the question, but simply a question of time. He says it is not the time to elect a Governor. I presume he means that the period for which Jackson was elected has not expired, and that, under the Constitution, the time has not arrived for an election. Sir, it is singular the Convention did not think of this before, when they were proposing to get back to the people and to the old order of things. I say, it is strange that this constitutional objection did not present itself at that period. It has been left to the Committee on Elections to discover that there was no necessity for having an election for State officers, but that there was a necessity for having an election for a Legislature.

Now, Mr. President, either the people are in a condition to have an election, or they are not in such a condition. If they are in a condition to hold an election, they are in a condition to elect all their officers. If they are not in a condition to hold an election, they are not in a condition to elect any of their officers, and it is ridiculous to talk about it in any other light. It is absolutely a farce for this Convention to undertake to tell the people that they are in a condition to elect one-half of their officers, and that they are not in a condition to elect the other half. I am free to admit that we are not in a condition to have an election. The gentleman talks about Congressmen. We cannot get rid of them, but I am in favor of postponing their election, in accordance with the recommendation of the Governor, until the very last moment—to a time when it is more probable we can have a peaceable election. The arguments that have been made here are unanswerable, and show conclusively that the State is in no condition to have an election. It is doubtful whether there can be an election in any of the counties south of Jackson; and if a Legislature is elected it will be composed, perhaps, of not more than two-thirds of the counties of the State of Missouri; and then the condition of affairs in two-thirds of those counties where they can hold an election is such, that I do not believe a full, free, and untrammeled election can take place—such as the people would desire to have, and such as every man in favor of justice is desirous of having. Then, sir, with one-third of the counties deprived entirely of any representation in the next Legislature, and two-thirds that are not in a condition to elect such men as will give a full and fair expression of the will of the people, I ask you, sir, is it not advisable to postpone all elections, with all the facts before us?

Mr. Irwin offered an amendment authorizing the Governor to issue a call for an election of members of the Legislature, if at any time it may be deemed necessary.

Mr. **Breckinridge.** Whatever action there may be with reference to the election of State officers, it is clear to my mind that it is essential that we should have a legislative election. I have conversed with some gentlemen whose opinions would have great weight if I could mention their names, and I have yet to hear from these gentlemen most directly conversant with the matter, any expression of opinion other than that the interests of the State absolutely require that there should be an election of a Legislature to meet at the regular term. There are many subjects of legislation which this Convention could not act upon, except by spending weeks and months here. I know in some portions of the State it would be difficult to have an election, but it is probable that those difficulties will be modified or removed by the time this election comes off.

Mr. **Pipkin.** Have you been in southeast Missouri, and do you believe we could have an election?

Mr. **Breckinridge.** I have no doubt you can have an election at the time the election is held.

Mr. **Howell.** The gentleman from Clay has offered as an amendment the ordinance that was reported by the minority of the Committee on Elections, and the subject has been fully discussed and argued before this body. This ordinance was offered originally as a peace offering, or rather as the best project, in my estimation, for harmonizing the country. Since we have met here this project has been introduced, and the attention of the country has been called to it; and I have seen various letters from different portions of the State, and from gentlemen of high intelligence—whose opinions are entitled to the gravest consideration, and whose loyalty cannot and will not be disputed by any gentleman in this Convention—urging upon this Convention the adoption of that policy, and a postponement, for the present, of all elections. Now, sir, the amendment as offered by the gentleman, and reported by the minority of the Committee on Elections originally, contemplates a general election for members of the Senate and House of Representatives in August, 1864; but, for one, sir, I am not wedded to that time. I am wedded to no particular time. I have but one object to attain by this policy, and that is the restoration of peace throughout the country; and I believe that this will be the best policy to promote peace in the country, as we cannot tell what a few months may develope, or what may be the condition of the country at the expiration of a few months. I therefore concur fully in the character of the amendment that has been suggested by my friend upon the left, to leave the power in the hands of the Governor, and to authorize him, whenever he may think the public exigencies require, to order an election for members of the General Assembly. Sir, I voted originally for Governor Gamble; I had confidence in the purity and patriotism of that high functionary, and I have seen nothing in his course to shake, in the slightest degree, the confidence I then had in him; and I am willing to trust with him the authority which the amendment confers upon him. I therefore hope my friend from Clay, who has proposed the ordinance which I introduced originally, will accept the amendment offered by the gentleman from Shelby, (Mr. Irwin.)

The amendment was accepted.

Mr. **Hitchcock.** It may be remembered that I was of the minority who dissented both from the report of this committee, and, as an individual, from the minority report of the committee. Of course, Mr. President, the only thing I have desired to ascertain in reference to this matter is what is best for the interests of the State. We are told that the condition of the State is such that it will not be possible to have a safe election. If that is true, that ends the question; there is no doubt of that. I have carefully made such inquiry as I could on this subject. I have conversed with a number of members and gentlemen from different parts of the State, and it seems to me the fact is about this: that in some parts of the State which are infested with guerrillas, it would be dangerous and difficult to hold an election. It is not disputed, on the other hand, that in a large part of the State there would be no difficulty in holding an election. Then, the question is, even admitting the correctness of the difficulty of holding an election in some portions of the State, whether these portions are of sufficient consideration to justify the postponement of all elections. In addition to this, the proposition laid down by the gentleman from Randolph (Mr. Hall) struck me with great force, namely: that it was exceedingly desirous that at the earliest practicable day the people of the State should be invited to resume the exercise of their former civil rights—the loyal people of the State, sir—for the purpose of engaging them in the habitual and customary exercise of these rights, and of taking their minds off from the rebellion as much as possible, and thereby bringing the State back to its position before the rebellion as nearly as possible. There is, to my mind, great weight in that argument; and, in addition to that, sir, as I said the other day, I am persuaded that the vital interests of the State require legislation, and that we are shut up absolutely to one of two propositions—either that the Legislature shall be elected at the earliest expedient day, to take into consideration the local and general interests of the State, or that this Convention shall make up its mind to meet again for the purpose of acting as a Legislature. One of these two things, I am convinced, we must decide upon. Now, as far as I am concerned, I am averse to entering into any career of legislation. We have had matters of local legislation pressed before us, and declined to act upon them. We know it is difficult to enter into the details of legislation, or into a knowledge of the condition of the people, and that we are not properly qualified to assume the functions of a Legislature. It is, perhaps, not improper in me to say, that in a recent conversation with the Governor I became satisfied that it is his opinion, that, if it is safe and practicable, a Legislature ought to be elected; and that it is his belief, on the best information he can obtain, that, at least in nine-tenths of the State, it is practicable to hold an election. I use the words he made use of to me: "It is of the first importance that a Legislature should be elected," for the sake of attending to the interests of the kind I have mentioned, and for the sake of attending to other highly important interests. Take for instance the railroads. The gentleman from Monroe said, the other day, that there was no sort of necessity for legislating about railroads. Now, we know that our railroads are forfeited, and that the Governor has the power to sell them. It is true the Governor has the power to sell them for cash; but suppose it should be practicable to sell these roads for Missouri State bonds; suppose that by a sale of them we could take up $12,000,000 of Missouri State bonds; would it not be an object for us to consider the practicability of such a scheme? I am putting a case hypothetically, but, as I am informed on good authority, not without reason. And so with regard to the other important interests of the State which demand legislative action of some kind, and which, unless a Legislature acts upon them, we must act upon them. Now, I am wholly opposed to having this Convention (already having lasted longer than any of its members expected, and desiring as we all do to return the power which has been entrusted to us) declare that it will undertake a year or two longer to manage these things, and reconcile the clashing interests that will necessarily arise in matters of legislation.

Now, in regard to the election of Governor we have heard various arguments. I say, frankly, for myself I am at a loss to decide the question. I am for a Legislature most decidedly, and I was not willing to join in the report of the committee in favor of postponing all elections. The more important question was the one I have discussed as to the difficulty which some gentlemen have suggested of sending information through the State; so that, if it be practicable in any sense, it should be practicable to hold an election throughout the whole State. I think there may be force in that, and I am willing to postpone the election until some time in the Fall. As I have said, I cannot consent to postpone the election of a Legislature beyond the period I have named; but in regard to the election of a Governor, there is more difficulty, and I have not yet decided what will be the proper course in this respect. Besides the reasons I have given for the election of a Legislature, there is another reason. The appropriation bill passed by the last Legislature expires the present year. Some appropriations, I am informed, have already been exceeded, and somebody has got to come together and pass appropriation bills, otherwise none of the expenses of the State can be paid at all. I take it gentlemen will consider these facts, and realize the necessity of an election for the Legislature.

Mr. STEWART. I take it for granted that this Convention was called together for a special purpose, and that was to decide the relations which existed between the State of Missouri and the Federal Government, and I take it also that it was called together to expatriate about the biggest traitor on earth—Mr. C. F. Jackson. He undertook to carry this State out of the Union; he failed to do it, because there were loyal men enough in the State, and in the Legislature then assembled, to prevent it. His object was to get a Convention to pass an ordinance of secession. But the people of this State decided, by nearly 100,000 majority, that it was against the interests of the State to go out of the Union. In the first place, secession was a heresy. There was no provision made in the Constitution which recognized secession;

and besides that, all our local interests and our geographical position in the centre of the continent were all against separating ourselves from the Union. But those infernal demagogues, overlooking the interests of the State, and desirous only of their own personal advancement, thought proper to take the State out of the Union. They got together in extra session and attempted to pass a secession law; but the people got together in Convention and decided they would remain in the Union, and they elected a *Provisional Government for* that purpose. They had no other object in view, except to keep the State in the Union. Now, I see no particular necessity why we are bound to run that machine any longer than is actually required. I recognize the fact that we put out Jackson and his cohorts because they were traitors; and the Provisional Government was only put in as a matter of expediency, and I can see no reason why that engine should run any longer. Such a thing might happen, as that they would appoint their own sons; they might put in secessionists, who would ride over Union men; and I see no reason why we should not vote to exclude the whole concern. I do not want an institution that will get on one side of the fence and peep on the other, so that *you can't tell whether it will come* out heads or tails. I do not want to see any milk and water policy pursued.

There are some leading traitors in this State that ought to be killed, and the best thing we could do would be to hang them. I know that perhaps this may shock the sensibilities of a certain class of men. I recollect I was arrested in St. Louis for offering a resolution that the President be instructed to organize guerrillas in this State to kill the infernal bushwhackers. But this rebellion has got to be put down anyhow; and the sooner we set ourselves to work, and use the means that have been placed in our power to put it down, the better it will be for us in the end.

Mr. Allen. I expect, sir to vote for the amendment offered by the gentleman from Clay, and I desire to state my reasons. I have but one objection to the postponement of the elections, and that I find to be the perpetuation of this body. But we are to look at the interests of our country; and I do believe it would be for the interest of the country that the officers of the Provisional Government, elected by this Convention, should be permitted to serve out the full time for which Jackson was elected. Under the administration of these officers, the Provisional Government inaugurated by this Convention has prospered. It has the confidence of the Government at Washington, and it has the confidence of the loyal men of the State of Missouri; and, as has been declared here, it is growing in favor continually with the people throughout the State. I am, therefore, in favor of continuing this Government in power, and of postponing all elections until 1864. It is true, as the gentleman from St. Louis remarked, that in all probability the State will require some *legislation in* relation to its financial condition, but it seems to me we can get along with a very little legislation. The appropriations which will be necessary to be made, can be made by the Convention; and I am satisfied of one thing, that it will be a great saving to the State of Missouri if this election be postponed, and if this Convention do what little will be necessary to do in the way of legislation. These are the reasons why I am induced to go for this measure. I believe it is for the Convention to guard the interests of the State, and to save to the State all it can. I am satisfied of one thing, that only a partial amount of the revenue for the past year can be collected in the State. There are but a few counties that have paid in the revenue for the last year. It *is impossible to collect it.* That being the fact, it is for the interest of the people of Missouri that we should get along with as little expenditure as possible to the people of the State. There is another reason. We are not in a condition to go through the heated canvass of a general election this summer. A conflict of elements will be brought to bear in the canvass, and we will have a heated contest which the country is not at this time prepared to endure. It would be detrimental to the interest and the peace of Missouri. That is one important reason why I am in favor of postponing the election. As I before remarked, legislation will be required, and if we are called together again for that purpose, it will be an object for the Convention to legislate only for the interests of the State; and we can do it in a few days, at but little cost in comparison to what a Legislature would cost.

Now, the gentleman from Buchanan, in his remarks, said he was arrested for advocating the raising of guerrilla parties. I was informed it was not for that purpose. It was said he was arrested for wearing his military hat wrong end foremost. [Merriment.]

Mr. Doniphan. I should not have risen to address this Convention but for the amendment offered by the gentleman from Shelby. There were so many difficulties in relation to calling a Legislature together, and so many reasons why it should be called together, that I had not determined really within myself which would be best for the interest of the State. And I admit, sir, that it had not occurred to me that all this might be obviated by so simple an amendment as the one offered by the gentleman from Shelby.

Mr. President, when these colonies separated from Great Britain, the establishment of their independence differed in nothing from revolutions which had occurred everywhere in the whole country—revolutions which had subverted empires and dethroned kings; there was nothing in it, except the theory as to whether man was capable of self-government. It is on that theory that our Government is based. It is based on that truth, and that truth is eternal and intangible. It is always true in theory that man is capable of self-government; but when we look back at the history of our race for six thousand years, and view the grand panorama, variegated as it is, and passing rapidly before us, we see that the history of man has been but *little else than a history of* convulsions and revolutions. Our whole history, sir, is marked and scarred all over with it, as visibly as the surface of our globe is marked and scarred over with the convulsions of nature. We are now, Mr. President, in the midst of one of the most terrible upheavals that has ever occurred in any government in the world; and that this rebellion has not passed away is evidenced by the very ordinance we have passed to-day. It is admitted everywhere that the rebellion is still in progress; and it is necessary for us to act not as if the rebellion had passed, but as if we were in the midst of it. This very body, sir, is a revolutionary body; and but for this rebellion we never would have been called together or had existence. We were called into existence for extraordinary purposes, and we are clothed with extraordinary powers. No other body, except one clothed with extraordinary powers, could answer the purposes of government in a time of revolution. Civil government and rebellion can never exist at the same time in the same body politic. The success of rebellion is the downfall of government—the downfall of Constitution and law. The success of civil law is always the destruction of rebellion. One or the other must exist and be paramount in every government; *both cannot exist* in an equal degree at the same time. We are in a state of rebellion, and we have a revolutionary body here, called into existence to meet the great exigencies of the times; and yet gentlemen tell you, although we are *in the midst of this rebellion* to such an extent that our people cannot elect a Chief Magistrate to govern it, and that it is unsafe to trust it to them, that we are yet in a condition to elect other officers for other purposes. Why, Mr. President, is it so? It arises from one of two reasons—either that we have less power than the Legislature, or less ability. Now, Mr. President, instead of having less power, we have greater and more power than the Legislature has for all purposes. The very ordinance we have passed to-day no Legislature could pass. No Legislature could have deposed Jackson and the Legislature of the State; no Legislature could have put into power the present Government; no Legislature could prescribe additional qualifications for representatives and officers of the State and county other than those the Constitution has given. But this Convention is clothed with a power superior to the Constitution to meet great crises that no Legislature was intended to meet. We are clothed *with these powers for that purpose.* Shall we lay down this power and say we cannot discharge the ordinary duties of legislation as well as any other Legislature? I, sir, have been a member of this body from the first, and I have been a member of the Legislature and an outsider for almost thirty years, and I may be permitted to say that this body is at least equal in the amount of intelligence to any Legislature that ever assembled in the State of Missouri. We have proved our loyalty to the Government and to the State; and are you now disposed to set aside this body and elect one that you do not know what may be its character? Will you not remain at a safe port and anchorage, rather than go out upon a wide sea without guide or compass, and without a knowledge of the harbor or port which you wish to reach? Gentlemen may say we have thrown around the elective franchise such guaranties as will secure a loyal Legislature. Why, they are but cobwebs. I may say, in a time of this sort men are not much disposed to quibble at oaths, especially those who regard this Convention as having no power and no control over them.

But, Mr. President, I hasten to the point under discussion. It is proposed to give the Governor of the State the power of calling the Legislature whenever he may think proper.

The whole argument of the gentleman from St. Louis (Mr. Hitchcock)—and he is a very intellectual man, and a very honest legislator—is thus disposed of. That gentleman has told you that the Governor desired a Legislature to be called. If the Governor wants it and requires it, why, sir, let the Governor call it; we offer him the power, and we have confidence in him. Why, sir, the Governor of this State has worked out the most arduous and the most wonderful problem of government that almost any other Governor ever wrought in the world. He was placed here when there was no government, when there was scarcely any means of constructing a government, when the State was overrun with military forces, and when everything was anarchy and confusion; but he has brought order out of chaos; and I believe we should continue him in power for the reason that he is the right man in the right place.

Mr. **Shanklin.** I do not rise with a view of replying to the gentleman who has just spoken, but with a view of answering a question proposed by the gentleman from Clay (Mr. Moss). He appealed to any gentleman on this floor to show him a reason why the election of Governor should be postponed and not that of the Legislature. I believe I have a sufficiently satisfactory reason, and I will state it. The Governor, Lieutenant-Governor, and the Secretary of State, fill their offices by virtue of appointment by this Convention. They are filling out the unexpired term, and if we continue them in office we continue them during the unexpired term. If we postpone the elections, the law which is now in force providing for an election will necessarily have to be suspended. I regard that as being a very important and satisfactory reason why we should continue the one and not the other. Again, here is another reason. Gentlemen on this floor have declared that it will not be safe during the present year to have an election, while I am of the opinion that the election may be safely held in the greater part of the State, yet we had better risk a part rather than risk all. Is it not more dangerous to risk all than a part? We know we have a loyal Governor that is firm, tried, and true; and if we should be so unfortunate as to get some Secessionists in the Legislature, a loyal Governor of the State of Missouri, like the loyal Governor of Maryland, could save the State from wreck and ruin. Another point and I am done. This body is not suitable as a Legislature to enter into the general legislation of the State. Our law makers have regarded it as important that we should have two branches to our Assembly, the one to revise the actions of the other. Now we are a body of ninety-nine men, and it is argued, perhaps correctly, that our powers are unlimited except by the Constitution of the United States. Now, Mr. President, is it safe for a body having unlimited power, without the check of one House upon the other, and without the check of the Executive veto, is it safe for such a power to go into general legislation? I think it is not, and, in my judgment, this is an unsuitable body to enter into general legislation.

The Convention then adjourned.

NINTH DAY.

Jefferson City,

Wednesday, June 11, 1862.

The Convention met at 9 o'clock.

Prayer by the Chaplain.

Mr. **Hendricks** gave notice that on to-morrow he would introduce an ordinance supplementary to the ordinance adopted the other day, defining the qualifications of voters and civil officers, limiting the operations of that ordinance to the 1st day of July, 1864.

POSTPONEMENT OF ELECTIONS.

The question being on agreeing to Mr. Moss's substitute postponing all elections, except Congressional, until 1864,

Mr. **Woolfolk** moved to except also Senators and Representatives.

Mr. **Woolfolk** said it seemed to be very necessary that a Legislature should be elected in order to take charge of the many interests of the State that were suffering for want of legislation. As to the Sheriffs, Coroners, and other county officers, the only way to fill these offices in many counties was by appointment of the Governor. Nobody would become candidates, even if elections were ordered.

Mr. Bush. Sir, I will state plainly why, in my opinion, the amendment of the gentleman from Clay (Mr. Moss) should be voted down. *Its purpose is to postpone the election.* Sir, "I shun delays—they breed remorse." Why should we delay? The reasons given by various members are: 1st. We do not need an election. The Provisional Government works admirably well; the people are quieting down under it. Further, the people have confidence in this Convention, which has the wisdom and the power to do all the legislation that may be necessary. 2d. The people are not quiet enough; the condition of the country is too disturbed to hold an election. Questions may be agitated which will still more disturb their *condition—in one word, they fear trouble.* 3d. The election will be a farce and a mockery; they want no election; while it is necessary, for the safety of the country, to prescribe test oaths. In other words, they want traitors to have a vote, or no voting at all.

Before I shall give my views on these reasons, I will state that, if it had been shown to my satisfaction, that large portions of this State are yet occupied by the enemy—by the armies of the so-called Confederate States—that in many and populous sections of this State no elections could be held, there being no courts, *nor clerks of courts, or other officers charged* with equivalent duties—I would myself, though with great regret, have voted for postponing *all* elections.

But such fact has only been brought before us by the gentleman from Iron, whose views on the subject, I am free to say, cannot have any weight with *me.* In July last he told us that he considered our acts unconstitutional and usurpation, [quoting very interesting passages from Mr. Pipkin's speeches], and now he had repeated that these are still to-day his views, yet he votes and acts with us; nay, he asks us *to prolong this unconstitutional* and usurpatory existence. Such logic I cannot understand.

But, sir, I can comprehend the reasons *before stated* against the holding of an election, and I will now try and refute them.

I. It is said that the Provisional Government which you have appointed works well and gives full satisfaction to the people. I am glad to believe this. But why then doubt that the people will ratify the same in an election? The present incumbents desire nothing better. The Governor is incurring a great sacrifice in holding this office; but while he is willing to serve us again in this capacity if it be the desire of the people, *no* consideration whatever could induce him to continue in office if he should for *a moment* believe *that it were not* the will of the loyal people. Our Lieutenant-Governor entertains, no doubt, the same views; the Secretary of State has already announced himself as a candidate for the August election. If the people are quieting down, and have become satisfied with this administration, they will *ratify* it by an election, and become *more* satisfied. There is always something unpleasant, something almost unbearable for a free people to recognize and to live under a government which has not been duly elected by the same.

While I am unwilling to give my consent to continue the Provisional Government in office without a ratification by the people, I am still more opposed to continue the existence of this Convention. True, this Convention has the power and the right to do all the necessary *legislation for the interest and pro*tection of all the institutions of the people of this State, but it has either not the *courage* or not the *will* to do so, and is doing what seems unavoidable and indispensable. This has been the established policy of *the majority,* and it may have been a correct policy; but then it is time, *high time,* that a fresh and regular legislative body be elected by the people. I may state here that I deem it necessary that this Convention remain in existence till after the first meeting of the Legislature, for exigencies which it is impossible to foresee at this moment. But, as we desire *not to legislate on any of the* important matters which imperatively demand legislation, as many of us admit not to be acquainted with the present local condition and requirements of their constituents, as *one third* of our members are missing, and thus large portions of the State quite unrepresented, you *cannot* justly refuse to provide for a Legislative Assembly, to be elected by the people.

This Convention has been constantly eulogized and complimented from the opening of this session by the Governor's message up to the gentleman who spoke last, and it can well afford to bear from me a *different opinion.* I believe this Convention has outlived itself and is losing the confidence of the people, or is at least in danger of losing it entirely, if it were to continue its existence longer than it is absolutely necessary. I, for one, have more confidence in the people than in this Convention, and for our good name, and for the well being of the people, I must desire an early election.

II. But an election will produce trouble. "I tell you it's best to look trouble in the face, if you don't you'll have *more* of it." You have proved, gentlemen, by your vote on the proposition of my noble friend and colleague, Mr. Breckinridge, that you fear agitation—that you lack the courage to meet the great questions of the day—but do you believe to avoid thereby our dangers? The storm is raging. Will it quiet the storm when you stop your ears? If you do wilfully blind yourselves to "the signs of the times," you will only not see their warnings and will sink the ship, "rending and wrecking" the very institutions you wish to preserve, and which you might have saved by a "calm consideration," wise counsel, and courageous action. The question which you wish to avoid—no doubt from the best of motives—will be agitated all over the land, in every house and hamlet—election or no election. And the sooner you prepare to meet it, the better for you, the people of Missouri, its property and true interest.

III. The holding of an election is further objected to on the ground that it is deemed necessary to prescribe an oath to voters and to candidates. Aye, you have been told, Mr. President, that such an election would be a farce and a mockery. Now, sir, there have been held already several fair and quiet elections, with satisfactory results, in various districts, with the restrictions of similar oaths to those you have adopted yesterday. I, sir, had also to abjure my former government; I had to take an oath "that I will support the Constitution of the United States, and will bear true allegiance to this Government;" before I was allowed to vote, and millions of our voters the same way. Still did never any one of them call the exercise of this high privilege "a farce and a mockery."

Sir, the restrictions contained in the ordinance adopted by this body are just, are mild, are necessary; under them we can have a fair, a safe and quiet election, and candidates will be spared the unpleasant, the dangerous and *degrading* work of seeking aid and support from disloyal voters.

But one more remark, Mr. President, and I am done. I want you to remember that the "do nothing" policy has always been the characteristic policy of the gentlemen (Messrs. Moss and Howell) who offer this amendment. On the 24th of July the gentleman from Clay offered the following resolution: "Resolved, That no action of action of this Convention for the purpose of organizing a State Government can give peace to Missouri;" and the gentleman from Monroe said, on the 30th of July: "I believe, sir, the true position for Missouri is to maintain a position of 'masterly inactivity.' To act now would create a civil war in our midst, and array county against county, township against township, neighborhood against neighborhood, and family against family." And further: "The people would much prefer that the State should be held as a province than that a government should be foisted upon them apparently by their consent, when it really is not. And now *they* propose to *continue* this same Government foisted upon them, and again to do nothing, to wait, and to delay.

But does this amendment really propose to hold *no* election at all? Can it honestly do so? *No!* The gentleman from Clay is well aware that even if we were to continue the Provisional Government and this Convention; even if the Governor were to appoint Judges, Sheriffs, County Court Justices, and Coroners, all of whom should be elected by the people—we must still have an election within six months for Representatives in Congress in all the nine districts. Now why, in the name of common sense, not have a full and regular election?

"Be wise to-day—'tis madness to defer."

Mr. Marmaduke. I would like to give the reasons that will govern me in the vote I shall cast, not only in reference to the amendment to the substitute, but the substitute itself; and I think, Mr. President, that the members of the Convention will bear witness that no member on this floor has occupied less of their time than I have. Being one of the youngest members on this floor, I have felt reluctant in pressing my views on this body. I have deferred to the views of older, wiser, and, perchance, better men than myself; but there are times, Mr. President, when duty—public duty—rises high above either personal preferences or considerations of personal safety. Mr. President, I, sir, have reached that point, and at the outset, I desire to know whether or not the ancient privileges which have hitherto appertained to this hall—whether, sir, the right of speech is to be allowed or denied me here? I desire to know whether or not that great right which underlies the Constitution itself—that great right for which the fathers of the revolution contended through a long and bloody war—whether that right is to be allowed or denied me here.

Mr. President, it is a right which is guarantied to me by the Constitution; it is a right which is sacred to me; and I do not believe that that spirit of vandalism and terrorism which has invaded both public and private life has likewise invaded this hall, and taken away not only the highest prerogative of the American people, but, likewise, the very last vestige of a republican form of government. Sir, it is a right guarantied to me by the Constitution, and it is a right I shall surrender only with life itself. While I am aware that my opinions are different from the opinions of a vast majority of this Convention, yet, sir, I shall express them as the views, not only of my constituents, but of nine-tenths of the people of Missouri, regardless of consequences. Mr. President, whatever I may say on this floor, and whatever views may fall from my lips, I want gentlemen to understand that I do not intend them as personal reflections at all. I am one of those who is willing, at all times and under all circumstances, to allow others that same honesty of opinion and purpose that I claim for my own opinions and purposes; and therefore, sir, while I have differed with these gentlemen, politically, at the same time, every gentleman here will bear witness to the fact that, personally, I entertain opinions of the kindest feeling and highest respect towards them.

Mr. President, I had thought that the people who elected this body expected that our work was done when we closed the first session at St. Louis. Our work was done, and well done, and it met the views of an overwhelming majority of the people of this State; but in my humble judgment, sir, every act of the Convention from its first session to the present has been at war both with the opinions, and I may say, the interests of the people of Missouri. I am one of those elected on a Union ticket, and I was a Union man. No man on this floor has a heart to love more than I do both the Constitution of the United States and this form of Government, and I worked with all zeal in their behalf. I was elected in my own county, because I was a Union man, and, with my colleagues, I was elected by an overwhelming majority of the people. But, Mr. President, we were not elected as unconditional Union men. We took a position before the people,—a position that was carried out in the first meeting of the Convention,—that we believed there was a hope of settling amicably the great questions before the people; and we took another position, and that was against *coercion*. And upon every stump we talked—at least I can bear witness to one of my colleagues—we took the position that in the event of a war between the North and South, and an attempt at coercion, we would be found not only in sympathy, but against any attempt to coerce the Southern people. And, sir, did not this Convention pass resolutions unequivocally on that point? Did not this Convention, with most singular unanimity, while at St. Louis, pass a resolution against any attempt to coerce the Southern States, and yet, what has been the course of this Convention since? No sooner did the war commence, no sooner was the red flag of revolution raised, than this Convention backed down from the will of the people, and their own resolution, and arrayed themselves against the people of the State. Mr. President, I do not say the Convention did not do right. They may have done right; but I do say they did not represent the people of Missouri in backing down.

Mr. WOOLFOLK. I call the gentleman to order. I believe the amendment before the house refers to postponing the elections.

Mr. MARMADUKE. I have no doubt many of my remarks are unpalatable to that gentleman, as well as to others, but the latitude which this debate has taken has been so great that I claim for myself the same rights that have been extended to other gentlemen. Whatever I say here, I take the responsibility of it upon my own shoulders, and I hope I may be allowed to proceed. Still, sir, if the Convention are unwilling to hear my views on this subject I will bow to their decision.

Mr. PHILLIPS. I hope the gentleman will have ample opportunity to ventilate himself.

Mr. MARMADUKE. Mr. President, I am not very much in the habit of public speaking, and have not been since the close of my college days, and I regret very much that the gentleman should have broken in on my remarks at the time he did. Still, I will endeavor to continue. Mr. President, I believe I was on the subject of the action of this Convention, at its first session, with reference to coercion. I desire to say, Mr. President,—and the fact is well known to you and the members of this body—that there was a resolution passed by this Convention, at its first session, and in accordance, as I believe, with the will of the people of this State, opposed to coercion; but since the expiration of the first session, the whole course and action of this Convention has been in direct contravention of that resolution.

Mr. **Hitchcock**. I ask the gentleman to point out the resolution passed at the first session of this Convention, which is opposed to coercion in the sense he has stated.

Mr. **Marmaduke**. I have not the proceedings of the Convention before me, but I will take occasion to furnish the gentleman with the resolution which I have referred to. There was such a resolution, Mr. President, if not directly, indirectly against coercion, and which the people of Missouri regarded as expressing their will. I do not believe the gentleman from St. Louis voted for it; I believe he did not, but I know an overwhelming majority of the Convention did vote for it, and I know their opinions and feelings were opposed to anything like coercion. And it is but natural they should be so. How could it be otherwise than that when a contest came up between the North and the South, our whole feeling, passion and prejudice should array themselves on the side of the South? Mr. President, it is but natural; and whatever may be the action of this Convention, and whatever may have been its action, the people of Missouri have been opposed to the attempt to coerce the Southern States, and I am one of those who most cordially sympathize with that feeling on the part of the people of Missouri; not that I was opposed to the Constitution, for I never have been, but there is one thing I have been opposed to. While I am an admirer of the Constitution of the United States, and while I admire our system of government in all its parts, I do protest against the effort to substitute the Chicago platform for the Constitution of the United States. I cannot be loyal to that platform, nor can I be loyal to any party or administration that plants itself on that platform.

Mr. President, is the course pursued by the Government of the United States in reference to Missouri calculated to conduce to the loyalty of her people? Has any gentleman the right, when he surveys the field and contemplates the facts, has he the right to doubt, for one moment, the position of the people of Missouri? What has been the course of the Government towards Missouri? Has it been one of kindness—one calculated to win them back to loyalty? On the contrary, from the incipiency of this war up to the present time there has been every effort made—I do not say purposely, but it has been made,—I say every action of the Government has been calculated to increase disloyalty rather than loyalty. The very first act of the Government in this State was to inaugurate a system of Home Guards—the most obnoxious military system that was ever known to any people—and *without* any semblance of law. They were armed and banded together, and they were the most heinous body of men that ever did band together. I know it is a fact that in my entire section of country these organizations, under the fostering care of the Government, did more to increase and bring about disloyalty than every other consideration put together. Ever since the Camp Jackson affair, disloyalty has continued to increase in consequence of the acts of these Home Guards.

Mr. President, when we met here last year and went into the election of a Governor, and deposed the Governor elected by the people, I hoped that the pledges the Governor elected by us made to this Convention, on this floor, would be carried out in good faith. I regret they have not been carried out. I remember well he told us from that stand that he would do all in his power to stop the arrest of private citizens *simply for entertaining* an opinion. Has that been done? No, sir, it has not. In my own county, three hundred men have been arrested for expressing their opinions, and the people are absolutely afraid to express their opinions, because they fear they will be suspected of entertaining sympathy with the South. Is that course calculated to conduce to the loyalty of our citizens?

Look at the outrages committed by our armies on the western frontier of this State. I will point to the outrages committed by that bold brigand and outlaw, Jennison, in the counties on the Kansas border. His army has been followed by the smoking ruins of farm houses, and all this has been done under the immediate eye, and I believe, has met with the unqualified endorsement of the Government. Why have not I a right to believe so? Has the Government ever done anything to make me believe, or you believe, that it did not endorse this course of Jennison's. Sir, he was allowed, as long as he staid in Missouri, to commit his desperate outrages on our citizens, and there are hundreds and thousands in those counties who are left houseless and homeless, to be thrown upon the cold charities of the world, by reason of the acts of this man Jennison. It is true he may have been arrested, but it was not upon Missouri soil, nor do we know it was for any of these outrages. But what was done with him? He no sooner reached St. Louis than he met with a perfect ovation. He is toasted and feasted—not by all parties, I am glad to say, Mr. President. There was one party there that did not feast him. But what did this ovation mean? It meant that his course was endorsed, and that they were ready to treat him him with all the pomp and circumstance of a famous chieftain. Following him to Washington, what do we find? Has the President done with him as he would, or should, have done with any other robber? Sir, we find, when he reached Washington City, he met with the same ovation, and with outstretched hands, perhaps, from the President.

But, Mr. President, what he has done on a large scale has been done by smaller lights, all through my section of the country. There have been honorable exceptions, I am glad to bear witness; but wherever the army has gone and citizens have been suspected of sympathizing with the South, its course has been marked with desolation and outrage. Mr. President, I say such a course is not conducive to loyalty, and I regret to see an indication, on the part of this Convention that they are going to pursue almost the same course towards the people. In reference to the elective franchise, what do we find? We know we are a subjugated people in Missouri. I acknowledge we are subjugated, and the Federal arms have taken possession of the State. The question, then, is, what course of policy is to be pursued towards the people of Missouri, so as to bring them back to their original allegiance? Is it to be the course indicated by this Convention, and will that conduce to their loyalty, and tend to bring them back?

But, Mr. President, coming immediately to the question under consideration. There yet remains to the Convention an opportunity to relieve the Convention and the State, and that is the adoption of the amendment of the gentleman from Clay. I am one of those who have voted persistently and consistently to adjourn this Convention. I am one of those who believe no good can come from it. I believed from the first that our legislation would not be conducive to the good of the State. I protest against the assertions of gentlemen who claim that our action has brought about the comparative peace that we now enjoy. Not a single act of this Convention has done anything to give peace and quiet to this State. It is arrogating that to the Convention which its action in no way, shape, manner, or form, has been in the slightest degree conducive. Gentlemen on this floor know that our action has been condemned by a majority of the people. The peace we have is the result of the course pursued by Gen. Halleck; it is the result of one of the armies being driven from the State; it is the result of the Federal army driving the opposing army from the State. It is that that has given apparent peace to the State, and it is not the action of this Convention. I say I opposed this action because I believed it would not be conducive to the peace of the State, and every day's experience satisfies me of the correctness of my belief. I believe every act of this Convention, instead of giving peace and quiet to the State, has had an influence directly contrary, and I fear that the action hereafter will be part and parcel of what it has been heretofore. It is now in the hands of the Convention to give peace and quiet to the State, and yet, I fear, their action will be exactly the contrary. I fear the policy laid down, and intended to be carried out, will make it necessary to bring in a stronger army than ever before; and hence, I conjure members to be careful of their legislation. I am one of those who desire the peace of the State. I do not desire to see another opposing army on our soil. We have now the means, by judicial and proper legislation, to maintain the peace. If, by our legislation we carry out the honest instincts of justice, it will not be necessary for another army to come here; but if, on the contrary, by this obnoxious system of restriction, and every other insult and outrage that can arouse the people, who will dare foretell the end of it; and hence, although I have voted to adjourn the Convention from the first; although I believe its action has been an outrage upon the people, yet, from present circumstances, I believe the best thing we can do, considering the obnoxious and odious restrictions that surround the elective franchise—best for the people of Missouri, and best for the perpetuity of their peace,—is to vote to have no election.

Mr. President, I am sorry I have so long wearied, as I have no doubt I have, the feelings of this Convention. I have no doubt I have said many things obnoxious, but they are my honest sentiments.

Mr. **WOOLFOLK**. I desire to withdraw my amendment, and reserve the right to offer it at some future time.

Mr. Douglass. The Convention has just listened to the respectable and populous county of Saline; and it is fitting and proper that the equally respectable and more populous county of Cooper should also be heard upon this question. Considering that the question now pending before this Convention is one of the most important which has yet been presented for its consideration, I should be wanting in the duty which I owe to the generous constituency who sent me here, in part, to represent them on this floor, if I did not attempt to speak their sentiments, and my own, upon this question.

Great latitude of discussion has been indulged in, and the relations between the General Government and the State have been referred to, and many irrelevant and collateral issues have been made before us; yet, sir, I understand the simple question now for our decision is as to the propriety of adopting the amendment proposed by the gentleman from Clay. What is that? It is a proposition to postpone and defer, perhaps indefinitely, or at least until 1864, the elections in this State; and as this latitude of discussion has been indulged in, and as other gentlemen have been permitted to go outside the record, I trust equal indulgence will be extended to me. I shall trespass but briefly upon the indulgence of the Convention. Sir, the discussion upon this amendment has developed one peculiar and remarkable feature. Not many moons had waxed and waned since the gentleman contending for a postponement of all the elections, contended with equal pertinacity, and with more vehement eloquence, for a speedy election for the people. What has wrought this wonderful change in the minds of those gentlemen? What political sorcerer has produced this wonderful change in their views and opinions? Why, sir, it struck me with remarkable and peculiar force when these gentlemen were addressing the Convention, that the speeches to which we listened here to-day and yesterday were not made to influence the action of this Convention. I trust I shall indulge in no personal reflections upon the motives of members—I know I will not intentionally—but it struck me, sir, that those speeches were made for home consumption. Why, this Convention, which, a short time ago, was odious and revolutionary, raising up its usurping hands to tear down the Government of the people, has suddenly become one of marvellous propriety, and should be continued for all time. Why is it? Why, sir, there is an old proverb which I will venture to translate into English, "We suspect the Greeks when they bring their gifts." There seems to be some design not fully apparent in this wonderful change. We are told that when Saul journeyed from Jerusalem to Damascus, breathing fire and slaughter against the devoted band of the followers of Christ, the scales suddenly fell from his eyes, and he was overcome with penitence and sorrow for his previous acts. Sir, there has been but one parallel case from that day to this, and it is found in the wonderful and remarkable conversion of gentlemen who are now contending for the postponement of these elections. But this conversion was not brought about by the same Almighty power that wrought the conversion of Saul. I am forced to believe this conversion proceeds from another and an opposite direction. [Laughter.] We were told by the gentleman that addressed us yesterday, that this is a revolutionary body. Sir, I deny it. It is not a revolutionary body, and it was not organized for revolutionary purposes. It was brought into being, or at least the people sent us here for a sovereign purpose. True, sir, a traitorous Legislature, by whose act we were called into existence, intended that we should be guilty of the enormous crime of severing the relations that bind us to the Government of our fathers. But the people in their sovereign and potential voice rebuked the treason that was hatched in this capital.

I shall not follow gentlemen in their tortuous course pursued in this discussion, but I may, with propriety, refer to some of the remarks of the gentleman from Saline, (Mr. Marmaduke.) Why, sir, what has there been in the action of this Convention to warrant the declaration which proceeded from him? Has there been anything in our action tending to put the gag in his mouth, or in the mouth of any other gentleman? Have not the members on this floor had the largest liberty of discussion? And, yet, the gentleman got up here, and, with pathetic and mournful intonation of voice, talked about the right to speak with freedom his sentiments, and did speak them; and although he was not pertinent to the question now pending, yet we listened to him with the most patient indulgence and attention. Why, sir, he said that the Union members of this Convention were committed against coercion, and referred us to the resolution adopted at the first March session of this body to show that we had resolved to throw our bodies as a bulwark against coercion.

Mr. **Marmaduke**. The gentleman is mistaken if he understood me to say that the Convention resolved that. I said, sir, that gentlemen who are now members of this Convention—some of them at least—when they were candidates, took the position before the people that in the event of an attempt at coercion, on the part of the Government, of the seceded States, they would, if necessary, oppose it with their bodies. I did not say, and I am sorry if the gentleman understood me to say, that the Convention made such a resolution.

Mr. **Douglass**. I will not intentionally misrepresent the gentleman, nor any other gentleman on this floor. I understood the gentleman to refer to the resolution adopted by this Convention at its March session, and he certainly did so refer to it. Now, to correct the misapprehension under which he seems to be laboring, and, perhaps, under which other gentlemen may also be laboring, I will read the resolution then adopted. It is the fifth resolution reported by the Committee on Federal Relations:

"*Resolved*, That, in the opinion of this Convention, the employment of military force, by the Federal Government to coerce the submission of the seceding States, or the employment of military force by the seceding States to assail the Government of the United States, will inevitably plunge this country in civil war, and thereby entirely extinguish all hope of an amicable settlement of the fearful issues now pending before the country; we, therefore, earnestly entreat as well the Federal Government as the seceded States to withhold and stay the arm of military power, and on no pretence whatever bring upon the nation the horrors of civil war."

Did that resolution declare that we would resist the power of the Federal Government if it attempted to coerce the seceded States into obedience to the laws of the country? By no means. We simply declared in that resolution that a resort to arms would inevitably plunge the country into civil war, and extinguish all hope of an amicable settlement. This is what we resolved. Will the gentleman deny it—that "a resort to arms would prevent all hope of an amicable settlement?" And yet, now, because these States in rebellion against the Government of our fathers have raised up the red hand of rebellion, and attempted to seize the very pillars of our temple of liberty and tear it into ruins; because the power and might of the National Government has been invoked to suppress this rebellion, therefore, sir, we are to have that resolution thrown into our faces, and a declaration from the gentleman that he could not stand on the Chicago platform, and that he was not going to stand on the Chicago platform. I trust no person ever thought of charging the distinguished gentleman, I suppose I should call him, with attempting to get upon that platform. The gentleman, in the exuberance of his imagination, has conjured up "gorgons, hydras, and chimeras dire," with which to frighten us from our propriety. He has set up a man of straw that he might show his skill in demolishing it. Very entertaining, no doubt, to himself and the audience, but to me it seems exceedingly *mal appropos* to the question.

I proceed now, Mr. President, to the subject matter under consideration. This Convention has already adopted an ordinance looking directly to the elections that are to come off in this State. Now, sir, for what purpose was this ordinance defining the qualifications of voters adopted? If these elections are to be postponed indefinitely, why the necessity of placing these safeguards around the elective franchise? Why, sir, it would have been a useless work of supererogation to have attempted to hedge around the elective franchise with these prudent safeguards unless we intend to hold this election. I hold, sir, that the principle on which that ordinance is founded is correct. I hold that men whose garments are stained and tarnished with the blood of treason, and who have endeavored and laboriously struggled to tear down this Government, have no right in principle to participate in its management. The principle, then, is fundamentally correct. Why else, sir, is it that only citizens of this country are allowed to exercise the elective franchise? Why is it that men coming to this country from foreign nations are first required to become naturalized before they are allowed to vote? It is because they must show by their own conduct that they are attached to the institutions of the country. That is the principle on which men are allowed to vote. Now, these men who have risen in arms against the country have shown they are not attached to it, and therefore we apply the same rule to them that is applied in the Constitution to citizens of a foreign country, and they are not allowed to vote. They have shown they are not attached to our institutions, and therefore the same rule that excludes men from another country, should exclude these men who are native-born, but who have risen in rebellion. And, sir, it may be asked why we adopted the 17th of December as limitation? Sir, there was a manifest propriety in it. It will be remembered that the action of this Convention, at its October session, was extended to these erring and rebellious people to come forward and lay down their arms, and return to their allegiance. Many of them have returned. Some, I know of my own personal knowledge, have, with sorrowing hearts and penitential minds, returned to the allegiance they attempted to cast off. I say the good faith of this Convention required that they should be restored and reinstated to their former privileges. The invitation was extended to them to return to the house of their fathers, and they, in accepting the invitation, expected they would be treated on returning as one of the old family household. I say, our own good faith required that we should reinstate and reinvest them in the privileges which they enjoyed prior to that time. That was the reason why I voted for fixing the limitation on the 17th of December.

Now, sir, as to the question of postponing this election. Some gentlemen say that the people if in a condition to be trusted with a portion of the elections, should also be trusted with all of them. I think, sir, the declaration is correct in principle, and I have no controversy to make with it; but with regard to the election of Governor, Lieutenant Governor, and Secretary of State, there is at least an apparent propriety in postponing that election which does not apply to members of the Legislature. Why, sir, the rule which we seem to have adopted in this Convention was to fill all offices made vacant by our action for the residue of the terms. Hence, the office of Attorney General, which is filled with such distinguished ability by the presiding officer of this Convention, is filled for the residue of the term. So, also, with the office of Register of Lands, which is filled with honor and distinguished ability by the gentleman from Greene. Why should not the same rule be applied to the offices of Governor, Lieutenant Governor, and Secretary of State? Hence, I say we can postpone the election of Governor, Lieutenant Governor, and Secretary of State, until the next regular election for those offices, without any inconsistency. But how is it with the Legislature? I am perfectly satisfied with the present State Administration, and I believe the people are satisfied with it. But, Mr. President, there is an absolute and overpowering necessity for an election of a Legislature. A great many subjects of legislation have already been brought before this body; but, Mr. President, we were not elected for any such purpose. True, Mr. President, I do not doubt the power of this Convention to legislate on any of these subjects, but yet I do doubt the expediency of doing so. It is violating all legislative theory for these subjects of ordinary legislation to be disposed of by one single body. The theory of American legislation requires that there should be two co-ordinate bodies—a Senate and House of Representatives. This system has worked well in American legislative experience, and it should not be departed from for any considerable length of time. Again, sir, if any member of this Convention, if any citizen of this State, will glance for a moment at the deplorable condition of the finances of this State, the necessity of a Legislature will be forced upon his mind with irresistible conviction. Why, sir, from the report of the Auditor, laid on our table a few days ago, it appears that the revenue of the State now is only about $300,000, and the ordinary expenditures of the State reach, perhaps, the same amount. Indeed, I was informed by the Auditor that the ordinary expenses of the State Government would reach, perhaps, $400,000. Here we have only a revenue of $300,000; how, then, are we going to provide for the ordinary expenses of the State Government? Is this Convention to do it? Are we going into ordinary legislation in order to provide material for carrying on the ordinary machinery of the Government? I trust not, sir. In addition to this, we have a public debt of some $27,000,000 or $30,000,000, and the annual interest on that is between $1,000 000 and $2,000,000. Where is the fund to meet this liability and preserve the integrity of the State in meeting the interest upon her indebtedness? Sir, in addition to this, we have also an impending tax to sustain the National Government; and it is perfectly apparent that we must have a Legislature in order to provide the ways and means to carry on the Government and meet its liabilities. Why, sir, unless something of that kind be done—unless some means be provided to meet the interest upon our State debt, the ghastly and hideous spectre of repudiation will have to be met. Sir, is there a man in this Convention, or a citizen in this great and powerful State, who wants to degrade and sully its honor by plunging us into the deep and unfathomable abyss of repudiation? I trust there is not one. We must, then, have a Legislature; and I have mentioned this as only one among the numerous subjects that will require the assembling of a Legislature.

What, sir, are the objections to holding an election in August next? It has been said the people are not in a condition to elect a Legislature. Sir, are not the loyal men of this State in a condition to cast their suffrages? Go where you will throughout the limits of this State, and you will find Union men ready now, as at all times, to discharge every duty which they are called upon to discharge, whether to the State or National Government. It may be, sir, that in some of the counties of this State where rebellion has run riot the people are not in a condition to exercise the elective franchise. It may be that in some counties in this State men have grasped the arms of rebellion and have gone off with the rebel armies of Price, Rains, Coffee, and others, who have desolated the Southwestern portion of the State. Sir, is that any reason? Is it to be told to this Convention—is it to be pronounced in the ears of loyal men of the State, that because traitors have forsaken their homes, because they have raised their arms in rebellion against the Government, because they have joined the rebellious armies, that the loyal men of the State shall be deprived of their ordinary privileges? Because these men have forsaken their loyalty and denied their allegiance to the Government, are we to be told that therefore, until it suits their pleasure to return to their loyalty, we shall not hold an election? Sir, the argument sounded strangely upon my ears. I do not think that this is any consideration to induce the loyal men of the State to postpone their elections. If these men have gone from their own counties—if they have not yet returned to their allegiance which they attempted to throw off, it is their own wrong; and I need only remind legal gentlemen of this Convention of the well known principle of law, that "no man should be allowed to take advantage of his own wrong." But it is said we must wait. Wait for what? The gentlemen who have argued the other side have not pretended to say what we should wait for. Sir, the event casts its shadow before it. Why, it seems to me I can see a dark portentous cloud rising up at the Southwest, ready again to burst forth upon this devoted State. Are we to wait until it does come—until the fair and fertile fields of Missouri are again desolated by the hands of traitors? Sir, I trust these are not the arguments which will influence the Union men of this Convention in postponing the election. It may be in some portions of the State no elections will be held; but is that any reason, because one or two counties in the district so ably represented by the distinguished gentleman from Iron (Mr. Pipkin) shall fail to send representatives to the Legislature—is that any reason why the Government of the State should be stopped, or why the ordinary legislative business should not be attended to and disposed of? I think not. If the people of the district he so ably represents do not choose to hold their election, it is their own fault.

But let me speak of that which I know, coming as I do from one of the most populous counties in the State—the very heart and centre of the State geographically. Sir, it was in my own county that this bloody and diabolical drama was first inaugurated. There, sir, within sight of my own town, the first battle was fought. We, sir, have passed through this desolating and fiery furnace of rebellion; and the loyal men of my county have come through it unscathed, without even the smell of smoke upon their garments. Loyal then, they are loyal to-day—steadfast and immovable. The people of my own county raised their own patriotic recruits under the gallant Lyon, when this rebellion first took shape in this State. Sir, they have continued in the service from that day until this; and a small, noble, gallant, and devoted band of men in my town withstood the shock of rebel hordes that came to massacre them, not in the usual mode of legitimate warfare, but with the implements and in the manner of savage strife. Loyal then as the people of my county were, they are loyal to-day, and, sir, they have no fear of an election; and if this election is to be held, I undertake to say here now, conscious of the full import and meaning of the declaration, that the old and patriotic county of Cooper will send up to the Legislature two true and loyal men, whose patriotism and integrity may be relied upon in every emergency. So, also, I know it is in many of the adjoining counties. I have no fear, sir, as to the election of a disloyal Legislature. The people of this State, both loyal and disloyal, have had sufficient of the rebellion, and they are sick and tired of it. They have seen that it carried blood, destruction, and devastation in its pathway; and now, sir, they want the State to return to that happiness and prosperity for which God and nature fitted and designed it. So much, sir, in regard to the amendment of the gentleman from Clay.

In regard to the other feature of that amendment proposed by the gentleman from Shelby, that the Governor of the State shall be authorized to order an election whenever he sees proper, I, sir, am wholly opposed to that. Highly as I esteem the distinguished and honored gentleman who now so worthily fills the executive office in this State, much as the people of this State love and venerate him, confident as I am and they are in his distinguished ability and in his undoubted patriotism—yet, sir, I and they are unwilling to place any such prerogative in the hands of any one man. It is contrary to the genius and to the spirit of our institutions. I am willing to trust the people, and I am unwilling to place this extraordinary discretion—this kingly prerogative—in the hands of any one man, highly as I esteem, much as I honor him, and confident as I am of the unsullied purity of his character and the unswerving devotion of his patriotism. For these reasons, Mr. President, I shall vote against any postponement of the elections of the members of the Legislature.

Mr. Doniphan. The distinguished gentleman from Cooper (Mr. Douglass) has arraigned me, very politely indeed, for having said this was a revolutionary tribunal. I hope that gentleman, nor any member of this body, misunderstood me. I said that but for the rebellion this body never would have been called into existence—that it was clothed with extraordinary power for extraordinary purposes, and that it alone as a legislative body had the power to combat the rebellion in this State, and that it was therefore revolutionary. I hope the gentleman did not understand me that I considered it was a body to pass the State out of the Union over to rebellion. I insisted on its continued existence, because it had been so consistent in all its past action.

Mr. Moss. I regret very much to see that debates cannot be conducted in this body by honorable gentlemen on this floor without they impugn the motives of their adversaries, and, sir, I am willing an adversary shall use every argument that is legitimate in honorable warfare; but I feel it my duty to rebuke the gentleman from Cooper for the Pharisaical spirit in which he has conducted his argument on this occasion. The gentleman would intimate to this House that there are no members here, perhaps, who have pure motives unless, perchance, they should be those who are so fortunate, as the gentleman thinks himself to have been, as to have seen the result of these questions at the start, and never to have changed their opinions or position, and never to have been opposed to a certain policy at one time, and then have had no good reasons to change that policy.

Mr. Douglass. I expressly disavowed any imputation upon the motives of a single gentleman in this Convention.

Mr. Moss. I am glad to hear the gentleman say that. But his language was unmistakable. He even went back to his classical learning, and warned the members to beware of the Greeks when they bring their gifts. Sir, I would tell that gentleman that a wise man, a magnanimous man, and a patriot, always alters his position when he is satisfied that truth, honor, justice and patriotism demand it. Has that gentleman never changed his views? Why, sir, I remember when that gentleman worshipped at the old Whig shrine, when his banner was triumphant; and that he then thought the Democratic party the embodiment of all that was iniquitous. But when that noble flag was trailed in the dust, when the forces of that party became weakened, the gentleman sought refuge elsewhere. Then this political Saul had a change of heart; a new light dawned around him, and he humbled himself to the Democratic party. I wonder how he would have felt when he knocked for admission into the Democratic church, if some old patriarch had got up and said, "My brethren, beware of this new convert! beware of the Greeks bearing gifts!"

The light that shone around Saul of Tarsus was a heavenly light; but what light shone around the gentleman from Cooper when he was constrained to enter the Democratic church, remains a secret with the political elders who took his experience on that occasion. But, sir, the gentleman has a record in this Convention, and outside of it. He voted for Jackson for Governor, when he knew that he was a secessionist ten years ago. He once offered a resolution in this Convention which declared that Missouri would never aid the Federal Government in an attempt to coerce a seceding State into submission by military force; but I presume the gentleman has different views upon that subject now, and he has very good reason for occupying different grounds, or rather for advocating a different policy, now the people of the Southern States made the issue of battle themselves and left the Federal Government no choice. The gentleman once voted to submit the action of this body to the people for ratification. He has since voted to repeal the former ordinance. He voted last fall to postpone the State elections, which he had before voted to be held, because, I presume, he thought the country was not in a condition to hold an election, and yet, when other gentlemen upon this floor presume to intimate that the country is still in a bad condition to hold elections, and suggest the propriety of keeping the Provisional Government in existence until quiet is restored, they are met with the charge of having sinister motives. Sir, the people are just beginning to appreciate the merits of the Provisional Government—the great military issue which has been absorbing their attention for the last nine months has been virtually settled in Missouri, and they are once more able to reflect upon and properly estimate the advantages of giving full support to the present Government. But, just as this desirable change is being accomplished, you open up the old prejudices and animosities by an attempt to hold an election with obnoxious disabilities placed upon the voters and office-holders. Now, Mr. President, I honestly and conscientiously believe this bad policy, and for that reason I have offered my amendment. I hope nothing I have said will be taken in a spirit of unkindness by the gentleman from Cooper. I have not referred to his past record for any other purpose than to show him the impropriety of attempting to ostracise men for changing their views of public policy in the midst of the ever-changing circumstances of this terrible revolution. I hope that a magnanimous and patriotic spirit will animate the bosoms of the members of this Convention, and that fully realizing the importance of the great crisis that is now upon us, no past differences shall interpose with the harmonious action of those who are willing to labor for the future peace and prosperity of our State and country.

Mr. **Welch.** I desire, Mr. President, to offer a few remarks upon the distinct proposition now before the Convention, in reply principally to the remarks made yesterday by the gentleman from St. Louis (Mr. Hitchcock), and the speech just made by the gentleman from Cooper. I shall not, Mr. President, undertake to extend my remarks into those fields which other gentlemen have explored. I do not propose to discuss politics, the Chicago platform, or any other, but to confine my remarks to the amendment itself. We propose, I believe, to postpone all elections until August 1864, unless, in the opinion of the Governor of the State, circumstances may require an earlier assemblage of the Legislature. I do not understand, Mr. President, that this Convention is at all committed upon the question now before it by its action yesterday in regard to the qualification of voters. I think my friend from Cooper has misunderstood the force and effect of that ordinance if he understands that the Convention is in any way pledged by the vote which was taken on yesterday. Now, it is true, I have always voted at former sessions of this body to postpone the elections, whenever in my judgment the peace, welfare, and material interests of the State required that the elections should be postponed. It is true that when this body met and deposed the Governor of the State, they proposed a submission of their action to the people of the State for their ratification. But the Convention will recollect the proclamation issued by Jackson at New Madrid—a Declaration of Independence—in which the relations of Missouri to the Federal Government were severed. It will be remembered that Jackson, as the pretended Executive of the State, declared that, whereas the Convention had submitted this question to the people of the State, that, as for him and his, he had drawn the sword and would submit to no other decision than such as the sword could make; and when it was proclaimed by one party in the State that the voice of the people should not be potential in controlling the affairs of the State, we felt it necessary to declare that no election could be held. Sir, I have at all times, and under all circumstances, desired to submit this question to the people of the State; but if circumstances have transpired which the wisest of us could not foresee, I do not understand that gentlemen are guilty of inconsistency if they govern themselves by the circumstances which surround them. While I have voted to adjourn this Convention *sine die*, I am not willing to do so now. The circumstances now surrounding us are of such a nature, and the character of the dangers which threaten the State with a Military Governor are of such a nature, that I cannot vote for an adjournment of this body *sine die* at this time. Sir, there is nothing inconsistent in the proposition introduced by the gentleman from Clay with the previous action assumed by this body. We have always postponed elections from time to time, whenever, in our judgment, the welfare of the State of Missouri required; and now, the only question before us to determine is, does the welfare of the State of Missouri require an election of the Legislature and a postponement of all other elections?

The gentleman from St. Louis (Mr. Hitchcock) has alluded to one important subject, and he thinks the necessity of the case requires an assemblage of the Legislature, and that authority should be placed in the hands of the Governor to see to the railroads of the State. Another proposition is alluded to by the gentleman from Cooper in regard to the finances of the State. My humble judgment is, that both of these subjects of legislation are insufficient to justify the State in incurring the hazards of an election. Now, the gentleman from St. Louis desires a Legislature shall be called for the purpose of ordering a sale of the roads. But what is to become of the millions of private stock in these roads? If the roads are sold the private stock will be swept away by legislation. Representing, as I do, a constituency that has aided largely and generously in the construction of the Pacific Railroad, I do not feel that I would be doing them or my county justice in urging the adoption of a course that would forfeit all these private subscriptions. But, sir, as far as the question of the finances is concerned, I think my friend from Cooper does not understand the question at all. Does he suppose that if this State is on the eve of bankruptcy, that this Legislature can save it? Does he suppose that that body is authorized to coin money? Can they coin money and pay this debt? Can they coin money to meet the January and July interest on the State debt? Assuredly not. But the money must come out of the pockets of the people of the State by taxation, and the laws are now all sufficient for that purpose. If the gentleman from Cooper will examine the revenue law of the State, he will find there is already sufficient authority for the collection of the revenue of the State. He has alluded to the fact of the report of the Auditor that only $300,000 in taxes for the year 1861 had been received into the treasury. But, sir, if a Legislature shall meet, will they bring it in any faster? Why, in a large number of counties there are no collectors! Can a Legislature bring the money into the treasury without collectors? I repeat it distinctly, that there is all the machinery necessary for the collection of the revenue of the State, and it would be useless to provide any more. Do you want money to pay the State debt? If so, you must raise it by taxation; but I apprehend the people are not prepared for increased taxation at this time, and I assert it without fear of contradiction, that there is no necessity for the passage of one solitary general law of the State, unless I might, perhaps, except an act for the support of the Government, which is nothing more than an act to appropriate money from the treasury to the different funds to which it is usually appropriated. My friend from St. Louis thought that was a tremendous work—the passage of an appropriation bill making appropriations for the different funds necessary to carry on the Government. Why, I have seen these bills passed in this Hall and it never took more than five minutes to dispose of them. Then look at the expenditure of a Legislature. There are the laws and journals to be published, and a thousand incidental expenses which always attend the assembling of our Legislature, besides the $5 per diem of one hundred and sixty-six members in the two branches. I repeat then, Mr. President, why the necessity of calling a Legislature? and I defy any gentleman on this floor to take the statutes of this State and show that there is any actual necessity for the assembling of a Legislature. If hereafter a Legislature should be required, then the Governor could issue a call for one. But even that meets with the objection of the gentleman from Cooper. He designates it as a "kingly power," but, instead of being such, it is one which is authorized by the Constitution; and whenever in his judgment it is required, the Governor is fully empowered to call a session of the Legislature. These, Mr. President, are my views in regard to this matter. I believe, sir, that the future welfare of the State requires that the condition of peace which is now upon us shall be permitted to remain. As has been remarked by other gentlemen, there are thousands of men who are now quietly yielding their support to the Provisional Government who have heretofore bitterly opposed it, and the peace and quiet of the State is increasing every day. Now, sir, I can see no necessity for this Legislature, and as I believe it will be attended with trouble in the different precincts where an election can be held—and there are hundreds of places where it cannot be held—I am unwilling to incur the responsibility of ordering an election. Governor Jackson, as I remarked before, said the question should be settled by the sword, and his supporters will follow out that declaration.

Believing, therefore, that the welfare of the State and our best interests will be promoted by postponing the elections, I have felt constrained to support the amendment of the gentleman from Clay.

Mr. **Phillips.** Mr. President, this Convention will bear me evidence that I have not consumed much of its time during its sessions, and I should not now trespass upon its deliberations but for the remarkable speech of my respected colleague from Saline. He, sir, has seen fit to arraign me before this body and the country for inconsistency. I thought the gentleman might have been content to defend his own varient record without calling attention to mine. It may be that both have changed our original positions. But the difference is I have varied to the side of my country and patriotism, while he to that of treason and open rebellion It is true, with him, in the canvass, I spoke against coercion. But the difference between us was that I cut with a two-edged sword, and he with a one-edged sword. Mine cut north and south, while his cut only northward. I was opposed to coercion. But I was opposed to the South coercing the Government as well as the Government *wrongfully* coercing the South. But, sir, when the rebels of South Carolina fired upon and insulted our National flag; when she opened her batteries upon our fort and its heroic garrison; when the astounding development was made that Secretary Floyd had scattered our navy to the most distant ports, and enabled the South to rob mints, arsenals, and dockyards; when it was discovered that a plot, deep, dark and foul, existed in the South to tear down the very temple of our liberties, there was presented but two alternatives—either to side with the Government and patriotism, or with rebels and treason. I chose the former, the gentleman the latter. What record has he made? The Bast amendment proposed that in the event Virginia, Maryland, North Carolina, Tennessee, Arkansas, and Kentucky, seceded, Missouri should join them. He voted *no*. And yet, when only a part of these States seceded, he is for going with Saline county, and leaving Kentucky, Missouri, and Maryland behind.

The gentleman has resurrected the dead corps of the "Home Guards" organization. Had there been no "State Guards" there would have been no "Home Guards." The outrages of the former begot the latter. "*Salus populi suprema lex esto*" was inscribed on the banner of the latter. They may have arrested many peaceful citizens in Saline, but Gen. Pope, at Milford, *bagged* and *hived* about five hundred more of these *peaceful* citizens from Saline, who, with horses and wagons, stolen from the Government, were making their way to "Dixie's land," in search of their "rights," and they all got their "rights" in the Alton penitentiary.

I am no friend, no admirer, of Jennison. He deserves a niche in a felon's cell. But does the gentleman not know that the Government, so far from countenancing his vandalism, sent Major Marshall from Sedalia—one of the most gallant and noble men who ever wore a uniform—to drive Jennison from the State. He did go; but before he had gone thirty miles on his mission, he was *assassinated* by one of the gentleman's *chivalrous* friends! He sees rapine, desolation and outrage only in the march of the Federal army. He forgets that the Commander-in-Chief of his rebel army proclaimed to the world that he had done what no other General in all war history had been able to do—that is, he had maintained in the field an army of twenty thousand men, for a summer's campaign, without costing a cent. Then, as a matter of course, he had stolen everything consumed, or given State scrip, which is not worth fifteen cents by the housefull, screwed down with a tobacco press. [Laughter.] The history of that army is one of blood, plunder, confiscation and outrage upon society; and yet, the gentleman can see nothing there to condemn.

He says he is "subjugated." Great God! if he talks such treason when "subjugated," how "*rantankerous*" he must have been before he was subdued! How must he have breathed vengeance, fire and blood when he had "ample scope and verge enough" to ventilate his spleen against the Government! I congratulate the gentleman upon his confession. I used to be a *submissionist* when the gentleman belonged to the *chivalry* who would "shed the last drop of blood" before they would submit to "Lincoln despotism." Now he is "subjugated" without the loss of the *first*, much less the *last*, drop of blood! I commend the gentleman to the tender mercies of a charitable public.

Mr. President, I am free to confess that the proposition now before the Convention is not without its difficulties and perplexities to my mind. I have been greatly exercised to know where the path of duty lies in this matter. And, sir, after much deliberation upon this subject, my conviction is that the interests of the State would be best subserved, that the peace of the State would be speedily restored, and that its life would be best preserved, by going to the people at once, at the ordinary election in August next. Now, how far this election should go, and to what extent, must be determined solely by the necessities of the case. This Convention ought not to be governed in its deliberations here by any personal or party considerations, but they ought to act solely with regard to the public welfare. I was opposed to having an election last year, because at that time the State was not in a condition to hold an election. Then, sir, there were one hundred thousand armed men in the State, counting both sides. There was not a precinct, hamlet, or neighborhood, in the whole State of Missouri, where there were not armed bodies of men. The public mind was so excited that it was not in a condition to consider and reflect upon the civil affairs of the Government. But, sir, how is it now? Comparative peace prevails throughout all our borders. The armies have been removed from the State, and only a sufficient number of troops are left for the enforcement of law and order. It has been contended here, sir, by the friends of no election that the people of Missouri have grown tired of this war, and are ready to lay down their arms and return to their allegiance to the Government. Well, if there has been any virtue and force in this argument, surely, sir, the man who desires that the loyalty of this State shall be sacred at the ballot-box, can raise no possible objection to having an election in August next. We have heard much, Mr. President, about returning to the old order of things. It would be like the old order of things to have a good old-fashioned election in August next. The people of the State have been accustomed to go to the ballot-box and arbitrate all questions of State and National policy in that peaceful manner. They have been accustomed to appeal to ballots, and not bullets; and if the public mind is in such a happy condition as was represented here a few days ago by the opponents of this restrictive act, surely they are in a condition to go to the polls, and express their choice for the people who are to make the laws and control the civil offices of the Government. I have no fears, Mr. President, about the result of the election, and I have no doubt its moral influence will do more towards restoring the old order of things in the State of Missouri than twenty battles.

Mr. President, I desire to know whether these repentant rebels are in earnest when they come back and proclaim their loyalty and allegiance; for if this war is to be fought over in Missouri, I say let it come now and quickly, or, as my friend from Buchanan says, "while we have the guns in our own hands." After the sad experience of Missouri during the last year; after the sad experience of all those men who have gone in a vain search after their rights, and who have tried to live on cotton without salt; after the restrictions thrown around the ballot-box; after the prestige of victory that perches on our standard wherever it goes, surely loyal men in Missouri have nothing to fear from the consequences of an election in August. Mr. President, it is admitted by the most stringent opposers of an election that there must be an election for Congressmen. They are opposed to a general election because they do not wish to agitate the questions now before the public mind; yet, these same gentlemen are in favor of a Congressional election. What issue that most concerns the public mind would be discussed by the candidates for county offices and would not be discussed by the candidates for Congress? Sir, the whole nation, the whole civilized world, look forward with apprehension, fear and trembling to the mighty issues to be brought before the next National Legislature. Questions that will determine the future glory and destiny of the whole country will be brought before the consideration of that Legislature. And, sir, can it be that the candidates before the people who are to discuss such powerful and mighty issues as these will produce less agitation throughout the State than those men canvassing for county offices and the Legislature. I tell you the Congressional canvass will convulse the State from centre to circumference, and all these issues that the country is seeking to avoid, by seeking to postpone, will be thrust upon the people, however determined they may be to avoid them.

Mr. President, there are questions for legislation in this State that, to my mind, are imperative. Questions of reliefs and remedies, of finance, of railroads, of crimes and punishments, are daily thrust upon us, and are suffering and perishing for want of a Legislature. The wheels of government must stop in the State unless a Legislature is elected. I know in many counties sheriffs have resigned their offices rather than run the risks of attempting to collect the revenue, while others have been induced to serve processes and execute judgments under the promise that a Legislature would be elected this summer, and that they would be relieved. Sheriffs cannot collect the necessary revenue. They have become liable on their bonds for it, and they have been induced to assume a personal risk, with the expectation of having relief from the Legislature. And is this Convention now going to suffer these patriotic men, who, at the hazard of their lives and the risk of their property, came up boldly and executed the civil laws of the State,—are you going to permit these men, for the want of a Legislature, to be ruined? Mr. President, the amendment proposes to invest the Executive with extraordinary powers, the policy of which is questionable. It proposes that there shall be no election, and that the Governor shall make the necessary appointments. Sir, I believe the people prefer to elect their own county officers. The gentleman from Johnson (Mr. Welch) says that this authorizing the Governor to call the Legislature is no new exercise of power, because there is a provision in the existing law of this State enabling the Governor to do that. That is quite a different proposition. There is no law enabling a Governor to call a Legislature that is not in existence. The Governor may, at any time, call a Legislature that is in existence, but here it is proposed to leave it entirely to the Governor whether he will call a Legislature or not. Mr. President, I would be willing to trust him as far as any man, and I have the most unbounded confidence in his patriotism, judgment and honesty; but I believe the people would think it was taking the power from them, and I am wholly opposed to it.

Mr. Howell. It has become quite common here to impugn the motives of gentlemen who advocate a certain policy; and as I, sir, proposed and reported to this house the proposition contained in the amendment, I propose to submit a few remarks in relation to the course of the gentleman from Monroe—his course outside the Convention, and also inside. Now, sir, the gentleman from Monroe, if he knows himself, and he thinks he does, slightly, has always been a very conservative gentleman. He has always opposed the radicalism and agitation growing out of the negro question, whether that agitation was in the North or South, and whether it was in the North or South carried on by unprincipled demagogues

Mr. Hitchcock. I do not understand that the negro question, which some gentlemen seem determined to force upon us, is before the Convention, and I, therefore, call the gentleman to order.

Mr. Howell. Sir, the gentleman from Monroe has no disposition to agitate this question. Mr. President, I voted against the repeal of the Missouri Compromise when there was hardly another man in my district that did it, because I believed it would have a bad effect. I voted against Mr. Henderson, and also against Mr. Anderson, and always have been opposed to the agitation of this negro question. These are, and have been, the antecedents of the gentleman from Monroe, outside of this Convention. When I was a candidate for this Convention I took occasion to fully set forth my position before my constituents, and they understood it very well. I told them I was loyal to the Constitution of the United States; that I believed secession would be no remedy for the ills we were laboring under; that a rebellion would be the utter destruction of the slave States, and only end in the utter desolation and destruction of our State; and that opinion, sir, I still hold, and I have never modified that position here or at home. Sir, can any gentleman in this Convention, or most of the members of this Convention, say they occupy today, in this Convention, precisely the position they occupied at the time of the assembling of this Convention, and, sir, anterior to this Convention,—at the time they were candidates before the people? Now, when Jackson first issued his proclamation declaring war against the United States, I had an opinion as to what ought to have been done at that precise time, and I expressed that opinion in my own locality very freely; and, sir, I had a correspondence with various gentlemen of this Convention at that time as to what ought to have been done. The Convention was finally called, Mr. President. The whole country was filled with excitement. The military had been precipitated on the country, and when we assembled here we assembled in the midst of passion and prejudice of every description, and I doubted at that time the propriety of this Convention intervening, as we had delayed action so long. I believed then that the issue was to be met by the military authorities, and that the action of this Convention would only further complicate our difficulties. I believed that issue would have to be determined by the General Government on the one side, and the sympathizers of the Southern Confederacy on the other, before any legislative action could be had; and consequently I preferred delaying action until that issue had passed, and the people had become satisfied what their political status in the Union would be. If I erred, it was an error of the head and not of the heart. When the Convention deposed the Governor and the Legislature, and repealed the odious laws of the last session of the Legislature, I believed that this Convention, according to the theories of such bodies, had the power to do that thing. I went home and justified the exercise of that power as a legal question before my people, and when I could scarcely get an audience to give me a hearing. I voted for H. R. Gamble, and for your present Lieutenant Governor and Secretary of State, because, on looking over the field from which we could select, I was satisfied they were as good material as we could select within the boundaries of the State, and my course has ever been fixed since that. In what has it been inconsistent with my present position? I have not only been loyal in relation to the position of Missouri, but to the duties I thought we owed our membership in this Convention. Although I was satisfied that a large portion of my people disagreed with me about the most of these things, I have obeyed every summons to appear here in this body. I was here in July, and at St. Louis in October, and I am here again to-day; and whenever duty requires me to be here, I, sir, shall be loyal to that duty if I have the physical ability to carry it out.

But, in regard to this proposition. It matters but little to me what opinion gentlemen may have of my course here or elsewhere. I voted last Fall to continue the election until August next, because I believed it could not be held consistently with the welfare and interests of the State; and I believe an election cannot now be had so as to promote its interests. I believe an election now will only complicate our difficulties. Is this a rebel or disloyal proposition? Does it squint towards it in the slightest degree? Not at all. On the contrary, it is a proposition to make this Government strictly loyal, from the highest officer to the lowest, from Governor to Constable. Now, I apprehend, that the authors and movers of the proposition have no other desire than to keep this Government in the loyal track—and, sir, at the same time, as far as possible, to harmonize the country. But, sir, it is said that by the amendment offered by the gentleman from Shelby, we are empowering our Governor with kingly powers and prerogatives. Sir, the gentleman who gave utterance to that sentiment certainly could not have matured it in his own mind. The power, as was well remarked by the gentleman who preceded me, exists in the President of the United States to convene, on extraordinary occasions, the Congress of the United States. The Governor, under the Constitution, has power to convene the Legislature in times of emergency; and now, Mr. President, I want to know whether the gentleman has not in this Convention, time and again, voted for the bestowment of this kingly power upon the Executive of the State, where I propose to leave it. Sir, at the July Convention did he not vote that the Governor should convene this body whenever the public exigencies required it? Did he not renew the demand in October, and require the Governor, whenever he thought proper, to convene this body? Has there been any exercise of that kingly power to which the gentleman refers? Sir, my faith in the integrity, patriotism and ability of that gentleman to exercise the position of Chief Magistrate has not been so impaired as that I cannot continue to trust this power in his hands.

Mr. DOUGLASS. I should not have felt it at all necessary to trouble the Convention with any further remarks had it not been for the course of argument pursued by the gentleman from Clay. The gentleman from Clay has seen fit, in order, it seems, to convict me of some political inconsistency, to refer back to old party associations. Why, sir, I had supposed that such an humble individual as myself, one who has engaged so little in the political tournaments in Missouri in past days—that my position upon old, dead party issues was not known beyond the limits of my own county. But it seems, sir, it has become known in the county which the gentleman from Clay represents with so much distinguished ability here. Why, he told this Convention that I had once been a member of the Whig party, and that I had changed and gone into the Democratic party. And, sir, he evidently endeavored to produce a great deal of cachination by sketching a fancy picture of myself about to enter the grand councils of the Democratic party. Sir, I was a member of the Whig party; but if I have not read history incorrectly, and if I have not been misinformed, the gentleman from Clay forsook the Whig party before I did, and placed himself upon a platform which declared that the party he was then acting with had risen upon the ruins of the Whig party. He, sir, was guilty—and those who acted with him—of the crime, if it was a crime, of assassinating the Whig party. Sir, if I remember rightly, the gentleman at one time in his political career—it was only a short time ago—that the gentleman might have been seen groping his uncertain way with stealthy steps, and by the uncertain glimmer of a dark lantern, up into some obscure garret, and there, with three knocks, asking admission into the dark and secret councils of a Know-Nothing party. My garments are guiltless of the blood of the Whig party. Can the gentleman say as much?

I may as well notice a remark made by the presiding officer of this Convention, and repeated by the gentleman from Monroe. The gentleman says, in substance, that it would be as proper to confer upon the Governor of this State the power to say whether there shall be a Legislature or not, as to confer upon him the power to call an existing Legislature. Sir, there is a vast difference, and one which is apparent to the mind of the most superficial observer. What is it we propose to invest the Governor with? The power to declare whether we shall have any Legislature or not—not whether a Legislature shall be convened in extraordinary session. I say the proposition is wrong in principle. It is right to give the Governor the power which the Constitution confers on him to call an existing Legislature into extraordinary session; but, sir, has it ever before been heard of, in the history of American legislation, that the chief Executive of the National or State Government should be invested with the power to say whether there should be any legislative body or not? Sir, that power is a kingly prerogative; it is placed only in the crowned heads of Europe; and I trust in God the day will never come when any Executive magistrate in this country will be invested with such a power.

Mr. Moss. I wish to make a personal explanation. I fear the gentleman from Cooper misunderstood the object and purpose for which I reviewed his past history this morning. It was not to show the gentleman had been inconsistent; it was not to harrow up any unpleasant feelings in his bosom, but to show him his record, and that it was wrong to impugn the motives of others because they may happen to differ in opinion from the gentleman himself. The gentleman has said his hands are guiltless of the blood of the Whig party. Well, I will not charge him with anything of that sort; if I did, I might say, because he helped to put Jackson in the gubernatorial chair, he was himself a traitor. But the gentleman is repentant, and I do not desire to overhaul his record further.

Mr. Douglass. Who did you vote for?

Mr. Moss. Sample Orr is the man who got my vote.

Mr. Douglass. Did you not vote for John Bell for President?

Mr. Moss. Yes, because he was for the Union, the Constitution, and the enforcement of the laws. But you voted for Jackson because he offered the Jackson resolutions and announced himself a secessionist more than fifteen years ago. [Laughter.]

The Convention then adjourned until 2 o'clock.

AFTERNOON SESSION.

Met at 2 o'clock.

Mr. Douglass. The gentleman from Clay, not satisfied with going back and digging up the reminiscences of fossil parties, charges me with having voted for Claib. Jackson. I did so, believing him to be an honest man. I heard him upon the stump, in various parts of the State, make fervent and eloquent Union speeches. The Douglas party, who looked to Stephen A. Douglas as their great and gallant leader, also supported Jackson for Governor; and the leader of that party was always true to the Constitution of his country; and his expiring breath was devoted to an exhortation to the American people to stand by the Constitution of their fathers. But there is a remarkable difference between the gentleman from Clay and myself. When I discovered the treason of Jackson, that he was a traitor to the Constitution and the laws of his country, I voted to hurl him from his seat in disgrace. How was it with the gentleman from Clay? He hugged the traitor to his bosom and refused to turn him from office, and by his action indirectly voted to retain him in office after his treason was patent and manifest to the whole country.

Mr. Moss. I forgive the gentleman for voting for Jackson, notwithstanding he knew he had been a traitor for fifteen years. The gentleman knew he was a traitor at the time he voted for him; but I forgive him, and am ready to shake hands and let by-gones be by-gones.

Mr. Sol Smith. These reminiscences are very interesting, but quite foreign to the matters before us. After the very able discussion here this morning—I think the most able I ever heard on any subject anywhere—it would be little less than ridiculous for me to say anything on the subject. I only wish to give my reasons for the vote I shall give; and I do it now, because I consider it out of order when my name is called. I held a little caucus last night up in my room at Dr. Brunz's house, and discussed the matter in my own mind, and came to certain conclusions, which I put down on paper. In the morning I doubted whether I had come to the right conclusion; for I must say I had a great many doubts how to vote. I moved a reconsideration, and then, to get rid of that, I chose to move to lay that motion on the table, and it was carried unanimously—I voting affirmatively. These, Mr. President, are the few reasons I wish to give.

I am satisfied, Mr. President, that a majority of my constituents are in favor of allowing the regular election for members of the General Assembly to go on. Being so satisfied, it is enough for me. I came here to execute their will, and not to indulge in any fancy of my own on this or any other subject. I shall vote to retain the Governor, Lieutenant Governor, and Secretary of State in their places until the regular election under the Constitution in 1864, because I believe that will meet the wishes and agree with the judgment of the people who elected me, as well as those who voted against our ticket. Another reason for keeping in office the present incumbents is this: we know these men; and if the fears of some of our honorable members are well founded, and there is danger of electing a radical Legislature—radical on any subject—here we have and will have a Governor ready to interpose the veto on any radical legislation.

Independent of these considerations, however, there is one consideration which outweighs all others with me. The people should be allowed to resume the powers—the immense and almost unlimited powers—with which they have clothed us. If no Legislature is permitted to be elected we shall be obliged to come together again, and our action would inevitably dwindle down to the smallest kind of local legislation, a specimen of which is recorded in the proceedings of yesterday. The people trusted *us*—I am willing to trust *them*—and with the guards we have felt it to be our duty to throw around the ballot-box, I do not doubt a Legislature will be elected which will be loyal to the Union and loyal to the State. I vote against the amendment.

Mr. Birch. A single word, Mr. President, in explanation of the vote I shall record upon this amendment. Acting upon the view of legislative duty which was denoted in my remarks of yesterday, I shall of course not hesitate to co operate with others in rendering this ordinance as consistent and as perfect as may be, so that if it shall finally pass, (as I trust it may not,) it may be at least referable to the same general reason. After thus voting upon the various amendments, my sense of propriety will most probably restrain me from voting at all upon the question of its final adoption, particularly as my friend from Buchanan, (the Lieutenant Governor,) who, it is presumed, will feel somewhat similarly embarrassed with myself, will most probably repeat the example of delicacy with which he furnished us upon a former and analogous occasion during the last session at St. Louis. For the present, therefore, concurring in what has seemed to me the unanswered and unanswerable arguments of the delegates from Clay, I shall cast my vote upon the same theory, which is, that if we are *not* in a condition to elect a Governor and Lieutenant Governor, we are at least in no *better* condition to elect such a Legislature as could alone be desirable to co-operate with the present executive authorities in restoring again the public tranquility, and reconstructing anew the public prosperity. Desiring, therefore, that a proposition which, to my understanding, is not legitimately divisible, shall be embraced for consideration in the same ordinance, I too shall vote *aye*.

Mr. McFerran. Occupying the position I do, sir, with reference to the ordinance before the Convention and the preceding amendment to it, I feel it my duty, sir, to discuss the amendment for a brief period. Mr. President, of all debates and all questions that I have ever heard discussed in legislative bodies, the amendment of the gentleman from Clay has elicited more discussion in proportion to its merits than any I ever knew of before. What is there in that amendment to recommend it to the wise discrimination of this Convention? Some gentlemen say that if we can elect a part of the officers, we can elect them all; but unfortunately for the gentlemen who favor the amendment of the gentleman from Clay, that argument proves too much, and it will leave us unrepresented in the councils of the nation.

In a crisis like this, no man will pretend for a moment that the elections for Congressmen shall be dispensed with, or that this State shall not be represented in the Congress of the United States. If this is so, sir, will not this Congressional election bring up all the points of excitement that an election for State Senators and Representatives would bring up? I say the argument proves too much, and leaves our State in these most perilous of all times unrepresented in the Congress of the nation. Then, as we are forced to have an election and necessity demands it, why not elect a Legislature and other county officers? The amendment has no merit when it comes to be sifted to its foundation. But other gentlemen have argued it on the economy question. Why, Mr. President, is the difference in the expense between a Legislature and that which will be incurred by this body in undertaking to legislate, to be estimated in this thing? I think not. Again, if gentlemen think we have too many members, and that the Constitution can be amended, and that this body is competent to do it, then the number of members of the General Assembly may be reduced, and in that way the Legislature may be but little more expensive than this body. But, sir, I take it that this question of economy amounts to nothing in this matter. It is trifling with questions of great magnitude to bring the question of economy here and attempt to induce members to support an amendment like this upon that principle. There is no economy in it. There is no reason, Mr. President, why the election should be postponed, but there is every reason why it should take place. The distinguished gentleman from Clay (Mr. Doniphan), in a speech that he made the other day, enunciated the correct principle. He said that rebellion and civil law could not exist in the same body politic at the same time—that the inauguration of rebellion was the overthrow of law and order, and the suppression of rebellion was its restoration. I agree with that principle. The inauguration of rebellion in this State inaugurated anarchy, and law and order were overthrown, and have remained so, in a great measure, till the present time. Gentlemen say that the Union delegates here favored the postponement of the election last October. That is true; and the reason they postponed it was, the State was not then in a condition for an election. But mark you the difference in Missouri between that time and this: at that time the rebel flag was floating in a large portion of the State and hostile rebel forces held control of one-fourth of the State. Is that so now, Mr. President? Has not the rebel flag disappeared? Where is the Government now in the State that raises its hostile head to the Government of the United States or the Provisional Government of the State of Missouri? There is no such thing. The hostile armies have disappeared from the State; there is no hostile force here that can be dignified by the appellation of an organized military force; but the distinguished gentleman from Clay argued that we were in the midst of a rebellion, and for that reason the civil law could not be enforced. There are those American people in this country, and individuals everywhere, that will favor the rebellion; that are still hoping for something in the dim future, and that amid the throes of rebellion, anarchy, and civil war, something may turn up for the people of the rebellious counties in this State. Sir, these men are running loose through the State. Armies have done what they could to restore the State to peace, prosperity, and happiness, and it must hereafter be left to the civil authorities to remedy the disorders of the body politic. Sir, we must have a civil victory, because peace has its victories no less than war. I tell you, Mr. President, there must be a civil victory in this State to reap and secure the rewards of the military victory which has been achieved over rebellion, anarchy, and discord. Then, sir, standing upon the principle announced by the gentleman from Clay, that the restoration of law is the suppression of rebellion, the sooner the machinery of Government is put in force the better it will be; but there will be no end to this rebellion until the civil authorities resume their wonted sway and importance in the State. Another thing, sir. As it stands at present, there are those in every township and neighborhood throughout the State who claim that they are Unionists, in favor of the Union; that they are desirous of peace and anxious to see the troubles of war ended; but, sir, if a military force was to come within their midst and proffer to them protection from the Federal forces, they would immediately, as in times past, propose to engage again in the rebellion. But, sir, if we have an election and make issue with these men, we can firmly re-establish the peace of the State. But again, Mr. President, the amendment of the gentleman from Clay, without merit as it is, ought to be defeated almost without argument; because, sir, it is clear beyond all contradiction, that that amendment is wrong, whether the original proposition is right or not. It has been argued here, sir, that the Convention heretofore provided an election for Governor, Lieutenant-Governor, and Secretary of State, and the proposition now is to postpone that election. Admit that is the truth, does it at all sustain the position of the amendment of the gentleman from Clay? Not at all, sir. The people of this State, under constitutional laws, have no right at this time to elect the Governor, Lieutenant-Governor, and Secretary of State; but under the constitutional laws of the State, they have a right to elect a Legislature and all other officers to be elected at a general election. Now, sir, the amendment of the gentleman from Clay, not only goes to the extent of postponing the election, first, for Governor, Lieutenant-Governor, and Secretary of State, but goes to the extent of suspending all the election laws of the State at one fell swoop. Is the Convention prepared to do it? Are you prepared to do this, when, in order to secure the peace of the State, it is necessary to achieve a victory at the polls, and when that victory is within the grasp of loyal men? The amendment of the gentleman from Clay seeks to avoid responsibility and place it upon the Government of the State. I am not afraid, sir, that the present Executive would not properly discharge the responsibility, but I would not yield to such a precedent. I would not let posterity have it to say that our forefathers yielded so important a principle as this and dared not face the responsibility that rested upon them. How easy it is to place upon the backs of others what we have not the courage to do ourselves. Cannot the Convention say whether they will or will not have an election, without throwing it upon the Executive and without yielding this principle of the right of the people to elect their own Representatives under the constitutional laws of the State?

Mr. DONIPHAN. Let me ask the gentleman if he would not act cowardly in shifting the responsibility of managing the affairs of this State from this Convention to the Legislature that you want to call here. Talk about cowards and we will see.

Mr. McFERRAN. No, sir. This Convention was not elected for legislative purposes.

Mr. DONIPHAN. Has it not assumed legislative powers and done a great deal a Legislature would not do and could not do?

Mr. McFERRAN. I answer, the Convention has not assumed any other legislative action than was absolutely necessary and imperative under the circumstances.

Mr. DONIPHAN. That is all I want them to do now.

Mr. McFERRAN. This Convention never was elected for legislative purposes; and if the election is to be postponed, let the Convention assume the responsibility of postponing it; if it is to go on, let them assume that responsibility. If I understand the speech of the gentleman from Clay, the other day, I understood him to make the argument that when the Legislature assembled, the existence of this Convention would be terminated.

Mr. DONIPHAN. Yes, sir.

Mr. McFERRAN. The Convention can regulate its own adjournment.

Mr. DONIPHAN. Just so; and if the gentleman from Daviess wills it, I have no doubt this obsequious Convention will obey to suit him.

Mr. McFERRAN. Mr. President, this Convention has a will of its own ——

Mr. DONIPHAN. And a way of its own.

Mr. McFERRAN. Whether this Convention is obsequious or not, it will be for the Convention to determine. I, Mr. President, have discharged my duties as faithfully as I could, and in as fair a spirit, but I do not charge—no matter what the Convention may do—I do not charge that it is done from any improper motives or spirit. Another thing: It is absolutely necessary, as argued by the gentleman from Cooper, that we should have a Legislature. It has been argued that the laws of the State are all-sufficient. Mr. President, there never was a time in the history of the State when more legislation was called for than at the present time. The legislation pressing on the Convention now shows its absolute necessity. Why, sir, there are a great many claims against the State that are pressing at the door and asking that they may be recognized—claims of parties who have sold their property to the State for military purposes. There is no legislation upon the statute book that will meet these cases, and none that would relieve sheriffs. Is the Convention going to engage in special legislation, such as the Legislature of this State will be called upon to do if one is elected? Mr. President, I have detained the Convention as long as I desire.

Mr. PIPKIN. I intended, Mr. President, not to trouble the Convention with any further remarks, after what I said a day or two ago, but it seems I have been on some occasions referred to by gentlemen who have discussed this matter before the Convention. I desire to be understood; and if my remarks, as I uttered them a few days ago, are reported correctly, I think I will be understood.

But I have been accused of having changed my views with regard to the Provisional Government—that I was opposed to deposing Claib. Jackson and inaugurating a Provisional Government. I want it distinctly understood that I have never yet fallen in love with the Provisional Government—not that I have any objection to the honorable gentlemen who form that Government, because I take it the State could not have made a better selection than that made by this Convention; but I objected to it because it was taking from the people a power which this Convention, as I conceived and then said, had not the right to do. I wish to be understood as saying that I have the utmost confidence in the Governor and all those who have been appointed by this Convention. The people chose one of two evils, and are disposed at the present time to put up with the Provisional Government until such period of time as they can meet at the polls and elect for themselves. The reason I am opposed to bringing on the election, and in favor of allowing the present Government to remain, is that the whole State is not in a condition to meet at the polls and give a calm and dispassionate judgment on a matter of this importance. This is what I said the other day, and I now reiterate it. I said then, as I do here to-day, that I was opposed to bringing on the election at an early period. I was in favor of postponing the election in October last from November to August next; and now the question is, shall we postpone that election which is to come in August next to another period? I am called upon to give my judgment on that, and I give it honestly and in all candor, as I did before, that this is no time to bring on any election in Missouri. Why? Because, as I have said, restrictions have been thrown around the elective franchise, and the people have only about six weeks to digest this important action, and in many portions of the State this action would not reach them, and they will not be prepared to vote at at so early a period after the adjournment of this body.

Mr. President, what we do now will not be made public in a large portion of the State of Missouri. I do not know how it is in other portions of the State, but I take it for granted that the condition of affairs in other portions of the State is but little better than in my own, for there are numbers here who have been compelled to abandon their homes for months past, and who have not been home since the session of this body in July last. Then I take it that in other portions of the State the same difficulty exists that exists in my own portion of the State. I am compelled, under the existing circumstances, to act according to the best of my judgment, without consulting the will of my people. I may never know what the will of my people is. I cannot visit them at their places of abode, nor can they communicate with me, so I am unable to know what their desire is. I am opposed as much as any man to taking from the people that which properly belongs to them. I am willing to submit to them the election and choice of all officers which, by the Constitution and laws of the State, should be submitted to them, but I am opposed to having an election submitted to the whole people of the State when one portion of the people are bound hand and foot by military organizations. No election could be held in many places. There are no officers to issue the poll books or distribute them, and under these circumstances my people could not blame me for withholding from them the elective franchise, when, if it were bestowed on them, they could not go to the polls and cast their votes understandingly, as we have been in the habit of doing. I reiterate again, sir, that the people of the State have become satisfied that the Government of the State is in good hands; and, while they may not be satisfied with the manner in which the officers of the Provisional Government have been put in, they are willing to submit to the party in power and acquiesce as good citizens, until such time as they can have a free, equal, and unbiased election.

With these remarks, sir, explanatory of my position here, and for the purpose of not being misrepresented as giving my adhesion to the Provisional Government, I will conclude. I am not at all inconsistent. I cast my vote now as I have always cast it, and it is my judgment it is inexpedient to bring on an election at the present time.

Mr. Stewart. I think the whole object of this Convention was closed the moment we threw restrictions around the voters, compelling them to take the oath and making them subject to the penalties of perjury. Now, it is said, "elect a Legislature, but let the Governor, Lieutenant Governor, and Secretary of State remain in." I would like to know what good reason there is for such a course. The people expect that if we do anything we will call an election and elect the whole thing; and if we fail to do this, we violate the first principles of civil liberty. When the proposition comes up I shall vote against the amendment of the gentleman from Clay, and then vote for electing a Governor, Lieutenant Governor, and Secretary of State, as well as a Legislature. And I shall do this because I believe it is right, because I believe the interests of the State require it, and because I believe if we do not do it, we will never bring about a state of peace and harmony. If these vile traitors should come back from Price's army, we shall be prepared to meet them at the polls. We have thrown proper restrictions around them, and are as well prepared to elect all the State officers as we are to simply elect a Legislature.

The **Vice President**. The question is on agreeing to the amendment offered by the gentleman from Clay.

The yeas and nays were demanded. The vote was taken and resulted: Yeas 29, nays 40.

So the amendment was lost.

The **Vice President**. The question is on the passage of the ordinance.

The yeas and nays were demanded. The vote was taken, and resulted ayes 31, noes 35.

So the ordinance was lost.

Mr. **Dunn**, (in explanation of his vote). Mr. President, I arise for the purpose of giving the reasons which influence me in giving the vote that I am about to give against the ordinance postponing the election of Governor, Lieutenant Governor and Secretary of State. I am one of the members of the Convention that opposed the establishment of the Provisional Government, but after the Convention resolved to establish the Provisional Government, I voted for all three of the gentlemen who fill those offices. I believed Governor Gamble to be honest, able and patriotic, and I cheerfully voted for him for Provisional Governor. Believing the same in regard to the other two officers, I also voted for them. And I have no reason to regret having voted for them. They have fully met my expectations, by the able manner in which they have discharged their official duties. They are all old friends of mine. Governor Gamble presided with distinguished ability as Judge of the Supreme Court, the other two gentlemen (Mr. Hall and Mr. Oliver) successively represented the district in which I reside in the Congress of the United States, and I often travelled around the Fifth Judicial Circuit with the latter gentleman,—he as Circuit Attorney, and myself as Judge—and he was for many years a near neighbor of mine. Cherishing, as I do, a high regard for all three of these gentlemen, I do not oppose the postponement on account of any—the slightest—objection to either. I am opposed to the postponement of any of the elections, except the Congressional election. At present, we elect our representatives in Congress eighteen months before they take their seats, and that election might properly be postponed, as recommended by the Governor, for the reason mentioned by him—that they may come fresh from the people. And yet, no member has proposed any postponement of that election. I voted for the amendment of the gentleman from Clay (Mr. Moss) for the purpose of placing the election of a Legislature upon the same footing as the election of the State officers, for the reason given by my colleague from Clinton, (Mr. Birch,) to perfect the ordinance, intending to vote against the whole ordinance, being opposed to postponing any of the elections except the election of Representatives in Congress. I know that the people of the district which I have the honor, in part, to represent are in a condition to have a fair and free election, and I believe that the people of the greater portion of the State are also; and believing that the election should be held, I will vote against the postponement.

Mr. **Pipkin**, (in explanation). Inasmuch as the Convention has decided to bring on the election of Representatives, I think the people are as competent to elect a Governor, and I shall, therefore, vote against a postponement.

SOLDIERS TO VOTE.

On motion of Mr. **McFerran**, the bill to enable citizens of Missouri now in the service of the United States, or the State of Missouri, to vote, was taken up and read as follows:

AN ORDINANCE TO ENABLE CITIZENS OF THIS STATE, IN THE MILITARY SERVICE OF THE UNITED STATES, OR THE STATE OF MISSOURI, TO VOTE.

Be it ordained by the People of the State of Missouri in Convention assembled, as follows:

Section 1. That the commander of any company of Missouri Volunteers of Militia in the service of the United States, or of the State of Missouri, who, or any members thereof, are qualified voters under the laws of this State, shall, on the first Monday in August next, and at every subsequent election held under the laws of this State during the present war, cause an election to be held by the members of such company for officers to be elected at such election.

SEC. 2. The commanders of such companies shall cause a sufficient number of poll books to be made out for each company, properly laid off into blanks, with the necessary heading, and certificates attached, and cause them to be delivered to the judges of election, on or before the day of such election.

SEC. 3. Three good discreet and disinterested persons, members of such company, being qualified voters under the laws of this State, shall be appointed judges of such elections by such company commanders, who shall administer the following oath to such judges before they enter on their duties: "I do solemnly swear (or affirm) that I will impartially discharge the duties of judge of the present election according to law, and the best of my abilities. So help me God."

SEC. 4. Said judges shall appoint two clerks who, before entering on the duties of their appointment, shall take an oath or affirmation, to be administered by one of the persons so appointed as judges of the election, that they will faithfully record the names of all the voters, and distinctly carry out in lines and columns the name of the person for whom each voter votes.

SEC. 5. At the close of each election the judges shall certify, under their hands, the number of votes given for each candidate, which shall be attested by their clerks, and transmit the same, together with one of the poll books, by one of their clerks, or by mail, to the Clerk of the County Court in which the voters are entitled to vote, without delay.

SEC. 6. Poll books shall be opened for as many counties as there are members in such company entitled to vote in such counties; and at such election only such persons shall be allowed to vote as could vote under existing laws if in their proper precincts, which vote shall be taken and sent to the proper county as provided in this ordinance.

SEC. 7. When more than one company votes at the same post or station, or belonging to the same battalion, regiment or division of the army, the judges of said election may cause one messenger to carry the poll books to the different counties.

SEC. 8. Any one of the judges of election, under this ordinance, are authorized to administer oaths to test the qualifications of voters and to prevent frauds.

SEC. 9. Each Clerk of the County Court shall, in not less than fifteen nor more than twenty days after the election, take to his assistance two Justices of the Peace, of his county, or two Justices of the County Court, and examine and cast up the votes given for each candidate, including the votes received by virtue of this ordinance, and give to those having the highest number of votes a certificate of election.

SEC. 10. The votes given at such company election shall be given by *viva voce*, or by tickets handed to the judges, and shall in both cases be cried in an audible voice by one of the judges of the election, or by some person appointed by such judges for that purpose, and noted by the clerks in the presence and hearing of the voters.

SEC. 11. Judges and clerks of said company elections failing or neglecting to discharge any duty required by this ordinance, or the laws now in force, shall be subject to the penalties prescribed by law, and may be prosecuted in the county to which such returns are required to be made.

SEC. 12. Every person, not being a qualified voter according to the Constitution and laws of the State, who shall vote at any election, under this ordinance, knowing that he is not entitled to vote; or, any person who shall, at the same election, vote more than once, either at the same or different places of voting, shall, upon conviction, be adjudged guilty of a misdemeanor, and be punished by fine, not exceeding fifty dollars, nor less than twenty dollars, or by imprisonment in the county jail not exceeding three months, and shall be liable to indictment and conviction in any county to which such votes, or either of them, shall be returned.

SEC. 13. Persons voting under this ordinance shall not be required to take the oath required to be taken by any ordinance of this Convention, testing the loyalty of the voter.

SEC. 14. The election returns of votes cast at the different precincts in the counties shall be made to County Clerks, in all respects, according to the statute laws now in force, and all acts required to be done under existing laws within a given time after examining and casting up the books, shall be done within the time required by existing laws, after the time fixed for examining and casting up the poll books, under the ninth section of this ordinance.

SEC. 15. This ordinance shall be in force from and after its passage, and is subject to repeal at any time by the General Assembly of this State.

Mr. Smith of Linn offered the following amendment: "Provided such volunteer militia are within the State of Missouri."

The amendment was disagreed to.

Mr. Orr. I will not inflict any speech on this Convention, but with a view of explaining the vote I shall give, I wish to make a remark. It is useless for a conservative man to oppose anything in this Convention. It is throwing words away. I have endeavored to keep this Convention from drifting into radical measures, but I have failed in every instance. Now talk about men in the service of the United States voting, who may be in New Orleans! Why, sir, let me refer to a solitary instance that happened in Tennessee. The vote on the secession ordinance was referred to the people of Tennessee (in a horn), and at a certain precinct they sent up seven hundred votes for secession from a regiment, when there were but seven votes polled. Now, sir, is it possible that while we are here trying to guard the ballot-box, we are at the same time going to cut loose from every safe precedent? I shall vote against the whole proposition, let men impugn my motives as they may.

Mr. Hitchcock. I have given this matter a great deal of consideration. As a member of the Committee on Elections, of course it came immediately under my notice. I have inquired very carefully and anxiously of gentlemen in this Convention and elsewhere, as well as of officers in the army whom I thought more capable of forming a correct judgment than I was myself in reference to this matter. It is to be desired that these brave men who are perilling their lives for us and for our country should vote. I trust I desire this as fully as any member of this Convention. But it is one thing to desire that a thing should be done, and it is quite another thing to demonstrate that it can be practically and properly done. I will not detain the Convention by going over the difficulties which lie in the way of this ordinance as it is now. I do not think it necessary to assume at all, as implied by the remarks of the gentleman from Greene, that because such enormous and infamous frauds have been committed in secession camps, there is danger of similar frauds in our camps; but when I remember the fact that men in the military service are away from home, are to a great extent not fully conscious of what is going on there, as to who are the candidates or what are the local issues—when I remember also the influences that are likely to be brought to bear upon our soldiers when they are hundreds of miles away from home, I feel that we are stepping aside from all precedents and doing that which never has been done before, and I cannot think it is wise or for the true interests of the State that this action should be taken. I have not been convinced that it is right, or that it can be done. I desire very much that the votes of those who sympathize with me in behalf of the Union should be cast. I need not say that I should expect, as far as the Union question was concerned, every vote would be cast as I desired. But the principle is bad, and I never saw a bad principle which if followed did not lead to a bad result. I cannot adopt a bad principle, even though promising inducements are held out. Believing the proposition wholly impracticable as it stands, I shall be compelled to vote against it. I was, however, in favor of the amendment allowing soldiers to vote only within the State, but that has been voted down, and I think the proposition now has no merit whatever.

Mr. Woolfolk. Mr. President, I conceive that this proposition is nothing but a simple act of justice to our brave soldiers. It costs the State nothing, and the charge that it is revolutionary has no foundation, because Pennsylvania and other States have provided that soldiers not in the limits of the State shall be entitled to the right of suffrage. These men are interested in our elections. They are men who have recently gone from their homes, and they are men who ought, from the very nature of the case, to have a voice in declaring who shall represent their interests in the Legislature and elsewhere. We ought not to prohibit them from the right of suffrage simply because their duties as soldiers have taken them beyond the limits of the State.

Mr. Jackson. A short time since my fellow soldiers and myself were called from the north part of the State to the south-west. Our regiment is made up of citizens of North Missouri, of men who have left the pleasures and comforts of a home and gone forth to defend their country. Our interests are all in North Missouri, and it would seem no more than just that we should be allowed to vote. I do hope that the members of this honorable body will be willing to extend to us the privilege of the elective franchise. I think it would be unjust to deprive us of the right to vote. All our interests are identified with the State, and we have gone forth in good faith to help defend our country. This proposition, it seems to me, would do us great injustice. I, therefore, hope the liberal sentiments of this body will be exercised so as to extend to us the right of suffrage.

Mr. **Breckinridge.** I wish to make a single suggestion. I have been so much engrossed with other matters of interest, that really I have not given the ordinance under consideration sufficient attention to enable me to vote understandingly. In order that we may fully understand the bill, I move that it be postponed until to-morrow morning.

Mr. **McFerran.** I move a re-consideration of the vote on the amendment of the gentleman from Linn.

The motion was agreed to and the bill was then postponed.

MISCELLANEOUS.

The ordinance in relation to the Register of Lands was taken up.

Mr. **Pomeroy** moved to lay it on the table, but withdrew the motion to allow Mr. Orr to explain the object of the bill.

On motion of Mr. **Smith** of St. Louis, the bill was postponed until to-morrow.

Mr. **Allen** offered a resolution that the Convention adjourn on Saturday.

Mr. **Breckinridge.** I suggest that the resolution is premaure.

Mr. **Hitchcock.** It amounts to this—that if we want to adjourn on Saturday we will, and if we don't we won't.

Mr. **Vanbuskirk** offered the following:

Resolved, That this Convention will adjourn when it gets through its business.

The **Vice-President** declared it out of order.

On motion of Mr. **Smith** of St. Louis, the resolution was laid on the table.

Mr. **Irwin** introduced an amendment to the State Constitution as follows: First, the eighth section of the third article of the Constitution is hereby abolished and the following adopted in lieu thereof. "After the first day of September, 1862, the general election shall commence on the third Monday in October, and shall be held biennially."

Mr. **Irwin.** The general election now takes place in August, at a time when it is not convenient for all classes of society to go to the polls. It would suit them much better in this respect if the election were held in October. Another objection to the present time of election is, that the month of July is taken up by candidates in canvassing for different offices. I have the interests of the candidates at heart, and, although I never expect to canvass for any political office, I take some interest in their welfare. I know it is exceedingly unpleasant for candidates to have to canvass during the excessively hot weather, and as I have remarked, the farming community are very much engaged at that season of the year, and they cannot spare time to hear the various matters which are discussed in the canvass. Now, sir, as the law stands the election takes place five or six months before the Legislature meets, and issues often arise in the meantime that were not discussed in the canvass. By the amendment which I propose, the election would transpire but two months before the meeting of the Legislature.

The bill was referred to a select committee, consisting of Messrs. Irwin, Douglass and Dunn, and the Convention then adjourned.

TENTH DAY.

Jefferson City, Mo.,

Thursday, June 12, 1862.

Met at 9 o'clock.

Prayer by the Chaplain.

Mr. **Rowland.** I find several members are anxious for a reconsideration of the vote on the bill to continue the present Provisional Government in office. I think myself there are some of the best reasons in the world for continuing the present Government in office, and I therefore move to reconsider the vote.

Mr. **Howell.** I expect to vote, as far as I am individually concerned, for the proposition to reconsider the vote. I desire, however, to ask the gentleman a question: whether, in case the motion is carried, he is prepared to move a reconsideration of the vote that was taken on the report of the minority of the Committee on Elections, in order that we may make some fair adjustment of both these propositions on a basis that may be satisfactory to the Convention and country.

Mr. **Rowland**. I can answer the gentleman in this way. I cannot promise that I will move a reconsideration. I think there are strong reasons why we should retain the present officers of the Provisional Government. I think reasons exist in its favor that do not exist in regard to other elections. I think the State of Missouri is in great want of a Legislature; I think it is for the interest of Missouri that we should have a Legislature elected. If we fail to elect such a Legislature as the people desire, why, sir, by continuing the present Government in office we shall then have a proper check upon the body politic. I think it is necessary to have many laws now on the statute books, and that are detrimental to the interests of the State, repealed; and therefore I cannot promise that I will vote to open an election for other officers of the State.

Mr. **Howell**. I do not desire to discuss the proposition at all. I merely want to institute an inquiry of the gentleman, and of other gentlemen who occupy the position of that gentleman, why they cast the vote they did last evening?

Mr. **Shanklin**. The gentleman has pressed his proposition with great pertinacity for one that has no merit in it. Let him bring it up independently, and not encumber every other proposition with it.

Mr. **Howell**. That has been my policy during the whole term; but, from causes not necessary to explain, I was to some extent precluded from pursuing my own policy.

The ayes and noes were then demanded, and the motion to reconsider the vote by which the ordinance continuing the Provisional Government in office was rejected, was agreed to.

Mr. **Shackelford** of Howard. It would have agreed better with my feelings to have said nothing, but I cannot forbear, since the Convention seems to require a warning voice just now. Let us stop one moment and think of the effect of our vote upon the proposition as it stands at the present time. I deem it my duty to explain my position on this question. My constituents desire that we shall have no election while bayonets are in the land; they conceive it perfectly inexpedient for the ballot and the bayonet to mingle together. I voted, therefore, for the postponement of the elections. It is positively necessary for the peace and quiet of the country that they shall be postponed. If we have a civil election, if any vestige of liberty is left when the storm has subsided, then we must have a free and open election, and the people must have the right to choose their officers from Governor down. Gentlemen may cry peace when the bayonets are in the hands of the military, when there is no peace. Then, sir, why shall we send forth to the people this proposition, that the Convention believe they are capable of choosing a Legislature, but have not capacity to choose a Governor and other officers?

Now, sir, I believe that the military in its proper place is a necessity, and I adopt it as a necessity upon the same principle that I would administer a dose of disagreeable medicine to heal a man that was sick. When the necessity ceases, when the time of peril is past, then let those gentlemen who have stepped forth to defend their country lay aside the sword, and assume the duties of civil life; and then we can have an election on the same basis as heretofore, and the ballot-box then, and then only, will assume its proper position. Commingled together, the sword and the ballot-box engender strife at every election, and the consequence will be the sword will not depart from this land so long as you and I live, even though we live out our allotted period of three score years and ten. Then the only thing that will keep peace in this country is for gentlemen who have hastily voted down the amendment offered by the gentleman from Clay to move a reconsideration of that proposition, and when the matter comes up, to postpone the whole. It can be done, and that only, in my judgment, will have the effect of producing peace and quiet.

Mr. **Calhoun**. I want to make a remark or two. I suppose the Convention will see that I have never been very noisy in it; but, Mr. President, one of the strongest proofs, to my mind, that we cannot have an election is the spirit that is manifested in this Convention. Mr. President, when we were elected I thought it was for the purpose of cultivating a kind feeling towards each other, and to take into consideration the welfare, harmony, and peace of the State. Now, Mr. President, is this spirit manifested in the Convention to-day? I have no desire to indulge in anything like personalities, but is it not plain and manifest that there is wire-working going on, and a disposition on the part of the Convention to get their favorites into office? I am always glad when

I see a man manifesting a repentant spirit, and am ready to forgive him.

Circumstances beyond my control prevented me from attending the meeting of this Convention last year, but I endorsed their action to a great extent; yet it seems the very men in whom we have confidence, the very men of our own choice, are sought to be made the victims of a certain party in this Convention, who desire to cut their heads off. Now, these gentlemen set a trap for the purpose of accomplishing their object, but unfortunately they were caught themselves.

Will any man say we can have a peaceable election in August next? Why, every man knows that in the most peaceable times there is a great deal of excitement when the election comes round. Do you suppose it will be less so when the people are in a disturbed condition? The strongest Union man in my county desires to postpone the election. The people are becoming better satisfied with the Provisional Government; they say it has worked better than they expected; but if we are to have an election it will produce a fresh disturbance.

I have been sorry to see gentlemen bringing up old reminiscences, criminating and recriminating. It reminds me very much of Satan reproving sin; and, without any reflection upon these gentlemen, it reminds me that when rogues get to quarrelling, honest men get their dues.

Now, gentlemen, what is the object of this reconsideration? Tell us what you have in view. I am willing to postpone all elections, because I believe it would bring peace and harmony to the State.

Mr. President, I left my native land when only a boy to enjoy the liberty of these United States. I had read of the blessings enjoyed by the American people, and of their rights and privileges, of the right to vote, the right to worship God, and all that, and I came here to enjoy these privileges; but now, sir, what have we done? Why, sir, you have disfranchised your native-born citizens. I do not think you have acted wisely; I believe we should reconsider our action. There is no man for whom I have a higher regard than Governor Gamble. He is the right man in the right place. And now, gentlemen, I hope you will act courteous towards us; and as we voted for your measure over which you felt sorry, I hope you will now vote for the substitute of my friend from Monroe. I have no motive in view but the peace and harmony of the State. I am no trickster; and, gentlemen, this great cause of sustaining our Government is near to my heart, although I have many friends in the Southern army. I had a much beloved nephew killed in Virginia while endeavoring to take Sherman's Battery. But this is all wrong. The abolitionists of the North and the secessionists of the South brought our difficulties upon us; and, gentlemen, we want to keep that Northern class out of power in Missouri, and also the extreme Southern class.

Mr. **Allen**. I think the course pursued by the gentleman is out of order. There is but one proposition before the House. I hold that we should keep these things distinct in our minds. We are to decide a matter of momentous interest to this State. Let us therefore decide one thing at a time. I do not propose to argue the question further. I will, however, remark that I do think there are reasons of the highest consideration that should prompt us to retain in office the present State officers. Governor Gamble, it is well known, entered into this position under embarrassing circumstances, and it was not until after the utmost solicitation, by almost every member of this body, that he was induced, in the darkest hour of our State, to accept that position. It would not be doing justice to him now to remove him from that position, or to place upon him the obligation of canvassing this State for the term of two years only. It would require more of him than we, as a Convention, could reasonably expect. As I before remarked, I think it of the highest importance that we should retain him and other officers in their present positions. He has been tried in the very darkest hour of our troubles, and has sustained himself as an honorable and high-minded gentleman, and one who has contributed greatly to give peace to the State. To remove him at this hour would certainly be doing him great injustice.

Mr. **Rowland**. It is very seldom that I explain the reasons why I cast a vote. I have been honored with a seat in one or other of the branches of the General Assembly by my constituents for the last eight years; and I have been a member of this Convention during its sessions, and every gentleman will bear me witness that I have detained this body as little as any member on this floor. This is the first time in my life that I have ever found it necessary to change a vote I have given. I think, therefore, that it will be necessary for me to give the reasons why I shall, on the present occasion, give a different vote from what I gave yesterday. I have no taste for public speaking, and I have not found it necessary to make buncomb speeches for home consumption. I have lived in my county forty years, and a buncomb speech would have but little effect upon my people. My own judgment has been from the beginning that the Provisional Government ought to be continued until 1864. That has been my conviction, and had I been acting for myself, I would have acted in that way from the beginning; but being a man that has always been anxious to give all the power that would be safe to the people, I thought it would be more satisfactory for them to have an opportunity to vote at the present election for Governor and other officers, and accordingly I voted against the ordinance to continue them in office. I must confess I expected the question would be carried without my vote. I expected that the good sense of this body would see the great necessity of keeping these gentlemen in office for two years longer. But, Mr. President, we lost the measure by about four votes, and I felt thunderstruck when I found I had lost the very point I wanted to make. [Laughter.] Now, sir, like a man, I come up to my work. I am satisfied and know that it is for the interest of the people of the State of Missouri that this present government should be continued in office, and inasmuch as I believe this to be the case, I will advocate it, and risk the consequences before my constituents, and will try and set myself right there. This is the reason why I have made a motion to reconsider, and this is the reason why I shall cast my vote to continue these men in office, because I know it will promote the welfare and interest of the State. Governor Gamble has been in office now for more than twelve months. He took his position when the State was in the midst of revolution. He has the confidence of the men at Washington, and he has made the necessary arrangements in order to put down this most monstrous rebellion in the State of Missouri, and to a great measure he has been successful. Now, if we should displace that gentleman, and should be so unfortunate as to elect a man who would not have the confidence of the General Government, what would be our condition in Missouri? We might be in a worse rebellion than we were eight months ago. Therefore, for the sake of peace and harmony, I shall take the responsibility of changing my vote to retain these men in office.

Mr. IRWIN. I hope I may be indulged in saying a word. I voted, sir, to dispense with all elections in this State for the time being, giving to the Governor the power, when he deemed it necessary, to order an election. I have my reasons for voting for that proposition, and I intended to have made some remarks upon it when it was pending before the Convention. And, sir, there was great anxiety manifested on the part of members of the Convention to express their views on that proposition, and I felt, sir, as the discussion was drawing to a close that it would be presuming too much on the patience of this body to make any remarks upon that subject. Now, I voted to dispense with the holding of the elections in this State, because I believed that the condition of our State was such that it would be impossible to get at a fair expression of the loyal sentiment of the State. In the south or southwestern portions of the State a condition of things exists now that render it, to say the least, impracticable, if not impossible, to hold an election in many counties in that part of State. From our present stand-point, it was impossible for us to look into the future and determine in our minds what would be the condition of things, not only in that section of the State, but throughout our whole State, upon the first Monday in August. The condition of things there now is bad enough; but, sir, our ears were saluted with rumors and reports that a large armed force was on their way, and about ready to invade the State of Missouri, so that it was truly impossible, as I have remarked, to determine, in our own minds, what would be the condition of things on the first Monday in August. For that reason, I was constrained to act upon the substitute as I did. I considered that the postponement of all elections, and the dispensing with them for the time being, and giving the Governor power to order an election whenever he deemed necessary, would be productive of the best results; and for that reason I was in favor of dispensing with the election.

But, again: I was also in favor of dispensing with the elections for the present from the fact that it would, for the time being, prevent certain issues of an exciting character from being brought before the people. The public mind is already in a distracted condition, and I thought by dispensing with the elections it would keep from before the people certain issues upon questions concerning which the people of our State are more sensitive than any other. I thought it would keep those questions from before them for a time, and thus keep down the excitement. And, sir, I may be indulged while I say a word with reference to that issue. Now, I understand, as far as that question is concerned, and I believe, sir, that such has been the effect and result of this secession movement in Missouri, that it has given to slavery its death-blow; and the position, sir, which I took before my constituents when I was a candidate for a seat in this Convention was that the moment secession gained control in Missouri, just that moment was the death-knell of slavery sounded. I believed it true, sir, but, at the same time, I believe if you let that subject alone, the evil will cure itself. At the proper time, when this question can be presented to the people of the State—when they are in a condition to discuss it, and calmly reflect upon it,—when that time arrives, and that issue is presented, if a Legislature, elected by a majority of the people of the State, are then in favor of a system of practicable, equitable and just emancipation, I say amen. I believe it would have been better for Missouri, if there had never been a slave in it. I believe, as things exist at present, that we have the institution here, with all its disadvantages and all its advantages. But, sir, this was not the time to discuss that question, or thrust it before the people. That was one of the reasons, sir, why I voted as I did to suspend all elections. And, sir, had we had a different man from the one who has charge of the State, I should have been in favor of entrusting to him no such power as that which we entrusted to him in my amendment. But, sir, I was perfectly willing to trust it to that man to whom the State of Missouri, I undertake to say, owes more than to any other living man; that man who, for goodness of heart and for honesty of purpose, has not his superior in the land; that man, in whose heart burns to-day, as they have burned, the fires of the purest patriotism. To him, sir, I was willing to entrust that important matter, believing that just so soon as he believed the people of the State were in a condition to vote, just so soon would he order an election. A word more, sir, and I am done. Although I voted for that proposition for these and other reasons, yet, sir, I was in favor, if that proposition could not receive the endorsement of this Convention, of providing for the election of a Legislature, and continuing the present Provisional Government in office.

Mr. Comingo. I simply wish to state that I regard this as one of the most important propositions to which this body has had its attention called. I believe our action on the proposition may be fraught with more good or evil—I am not able to determine which—than any other proposition that has been under consideration, and in view of its great importance I move to lay the subject over until to-morrow morning at ten o'clock.

The motion was lost.

Mr. Howell. I have been charged by some gentlemen with urging the postponement of all elections with too much pertinacity. Perhaps, sir, I may have offended in that way. If I have done so, it has been from a conviction of duty, and from no other consideration. The proposition to postpone the elections for two years has been voted down. The proposition to authorize the Governor to convene a Legislature in that time has also been voted down, upon the avowed principle that it will be clothing the Governor with kingly or arbitrary power. Now, I still entertain the impression that some compromise may be arrived at by this Convention. If it is not inexpedient to postpone the election for two years, and if it is not safe to invest the Governor with power to convene the Legislature during all that time, then, sir, perhaps some compromise may be agreed upon by this Convention. If it is not politic to postpone the election for two years, it might be politic to postpone it for one year; but, sir, if it should not be expedient and proper to postpone it for one year, it might be proper to postpone it until the leaves fall, and on this great question I propose this resolution:

Resolved, That the ordinance be re-committed to the Committee on Elections, with instructions to report an ordinance for postponing the elections to some future time, when the State will be in a better condition to have an election.

Mr. Shanklin. I meant no unkindness to the gentleman from Monroe, in appealing to his magnanimity, not to encumber the proposition with a measure that he has had constantly before the house ever since we have been in session. The objection I make is that he has continued to encumber some other matter with this foreign proposition. It seems he is determined to ride down the proposition before the house if he can.

Mr. Howell. Not at all. I have been advocating the measure now before the house, it is true; but if my proposition shall fail, I shall still vote for the continuance of the present Governor in office. If I cannot get what I want, and what I believe the country requires, I shall vote for as much as I believe the country requires. I have patriotism and love of country enough to do it, and, with the help of God, I intend to do it.

The yeas and nays were demanded, and the motion to recommit was lost.

Mr. Stewart, (in explanation of his vote). I have voted in favor of bringing on the election up to this time. I believe this Convention has done all that is required of it, after having placed restrictions upon the votes of secessionists. If I were in the position of Gov. Gamble, or Mr. Hall, I would not hold the position another day, but I would go fairly before the people, and should they do so, they would, in all probability, be re-elected. I think I have voted consistently all the way through. I think I have not voted exactly as the gentleman from Macon (Mr. Rowland) did. I understood him to vote one way while he desired to act another. That is not my style. I am in favor of an election all the way through; but I believe the majority is against me. “I, therefore, believe that if the court knows herself, she is *right on this subject*.” I believe the people of the State will hold the Convention responsible for not bringing on the election; and I do not think gentlemen will make any capital by changing their votes.

The Vice President. The rule requires all members of the Convention to vote when their names are called. The Chair noticed several who did not answer to their names.

Mr. Doniphan. I desire to know whether the Chair considers a man in the Convention when he is out in the hall.

The Vice President. There is a rule that when he is in the lobby he shall not vote.

Mr. Doniphan. Whenever I don't want to vote I go into the lobby. I went out just now to see how many repentant sinners there were, and how many gentlemen would show their hands, and if I have violated any rule I am not aware of it.

The President. The question is on agreeing to the ordinance.

Mr. Hitchcock moved, as a substitute, an amendment to the Constitution providing that hereafter all general elections shall be held on the Tuesday after the first Monday in November.

This the Chair decided to be a new proposition, and out of order.

The yeas and nays were then demanded, and the vote resulted yeas 45, nays 21.

So the ordinance was passed.

Mr. Breckinridge, (in explanation of his vote). I voted for a reconsideration for two reasons. First, I considered this a matter of great importance; and, second, I thought it due that those gentlemen who had voted upon the proposition without due consideration should have an opportunity to reconsider. About the whole matter, I have had great doubts. I have sought all the light I could, and up to the moment of voting yesterday, I was unable to decide, as I like, what was the policy best to be pursued. I have not, however, seen any good reason for changing the vote I gave yesterday, and therefore I voted no.

Mr. Bridge. (In explanation.) I have seen no reason to change my vote from yesterday. If we can trust the people with a part, we can with all. I have no fault to find with Gov. Gamble, but it seems to me we should trust the power to the people. I am not afraid to have them elect our rulers, and I shall vote no.

Mr. Comingo. (In explanation.) I was one of those yesterday who voted no on a similar proposition, and I confess I did so with great doubts as to the propriety of the vote I was casting. I have thought a great deal about it since, and after due reflection, I feel constrained to vote aye. I may have been wrong when I cast my vote yesterday. I was acting as many other gentlemen have acted, from an impression of duty, and not with a desire to cast any reflection upon the Provisional Government. I believe it is best we should retain the present State officers at all hazards.

Mr. Doniphan. (In explanation.) I voted yesterday cheerfully, cordially, and anxiously for the passage of this ordinance, and I would do so again this morning, but I would like to know if any gentleman on this floor can say whether there is any probability that, under present circumstances, Gov. Gamble would be willing to continue as Governor after the very decided vote of yesterday. I will take the chances and vote anyhow, but I do not believe he will accept it.

Mr. Dunn. I vote no for the same reason I gave yesterday. If I were in Gov. Gamble's position I would prefer being elected by the people to being continued in office by this Convention.

Mr. Gravelly. Mr. President, I wish to explain my vote upon the subject now before the Convention. On yesterday I voted against this ordinance because I believed it to be my duty to the State and those of my constituents who have ever been loyal to the Federal Government. The Convention established the

Provisional Government of Missouri in July last, declaring its purpose to submit its action to the people for their ratification or rejection, as soon as the state of the country would enable the people to express their approval or disapprobation of its action. I believe, sir, that time has arrived. The people are anxious to elect their own officers, and I am for giving them an opportunity to do so on the first Monday in August next.

It has been said in debate on this subject, I think, by the distinguished gentleman from Clay, that the Convention had virtually repudiated the officers elected by this body in July last, by refusing to continue them in office until August, 1864. Every member of this body, including the gentleman from Clay, proposed to submit our actions here to the people at the August election. The ordinance provides that the Governor, Lieutenant-Governor, and Secretary of State, elected by this Convention, should hold their offices until the time already mentioned; and I have voted and intend to vote to carry out the agreement in good faith, and it is unfair to argue that I have shown any want of confidence in either of the officers alluded to. I am satisfied that I did right when I voted in July last to inaugurate this Provisional Government, and more than satisfied that, in voting for our present officers, I reflected the will of every loyal man in my district.

Sir, there is not a loyal man in my district whom I believe would vote against Hamilton R. Gamble for Governor of Missouri, and I wish to give them an opportunity to manifest their approval of his wise and humane course as Governor of Missouri. Gentlemen may expect to gain popularity and obtain votes by abusing the President of the United States and declaring their opposition or hostility to the Chicago platform, but that humbug has about played out in our part of the State.

Nearly every loyal man, and in my opinion about two-thirds of those who have been led into this unholy rebellion in my district, will vote against any man who undertakes to get votes by abusing the President.

His efforts to protect the loyal citizens of Missouri are duly appreciated by them, and the abuse which the intense pro-slavery gentlemen are constantly heaping upon him will be unavailing, and they will learn that the people of Missouri do not intend to be humbugged by them any longer.

Sir, being anxious to give the people an opportunity to endorse our action at the polls and to put their seal of condemnation upon traitors and treason, I vote no.

Mr. Birch. Simple justice requires ——

The Vice-President. The gentleman is out of order.

Mr. Birch. May I be permitted to say this much, that at a time when it will be proper I will ask the indulgence of the House to read a document, which is all the reply I wish to make to the magnanimous assault of the gentleman, made under circumstances when I could not reply.

Mr. Hendricks. (In explanation.) On yesterday I voted against this ordinance, not because I was dissatisfied with the present Provisional Government, or because my constituents were dissatisfied. So far from that, I know of no individual in my district who has been dissatisfied with the conduct of the present incumbent.

Mr. Hitchcock. (In explanation.) I beg leave for one moment to say a word in regard to the vote I shall give. I do not intend to apologize for it, sir; but inasmuch as some remarks have been made here which, without a disclaimer, might be supposed to affect my vote, I feel bound to say this much in explanation. I have heard no reason this morning which has changed my opinion as expressed heretofore on this question. It was deemed proper by one gentleman to raise the question whether the action of the Convention, on yesterday was not a repudiation of the Provisional Government. I was very glad, sir, to observe that no gentleman seemed to consider himself authorized even to intimate that the Executive so considered it. This question has been discussed on grounds of public policy. I take it no man has voted on any other ground, and I am surprised that any other construction should be raised on this occasion.

Mr. Long. (In explanation.) Like my friend from St. Louis, I have had doubts in my mind as to the propriety of voting for the election of Governor, Lieutenant-Governor, and Secretary of State. Yesterday I voted *for* the election of all officers, and, in order to be consistent, I believed it to be necessary that we should have a Legislature. Since that, I have had conversation with many members of the Convention and gentlemen outside, and have also received many letters from gentlemen of St. Louis, good and loyal men, in reference to this matter, and I now begin to doubt my own judgment in casting that vote I did.

The refusal to pass this ordinance yesterday, relieves the present Executive from his duties in August. Then, sir, the bare possibility of having him superseded in that chair by some gentleman of doubtful loyalty, or who might be radical in his political views, I think, sir, would be sufficient cause for me to change that vote which I gave yesterday. The Governor of this State took the helm in a stormy hour, and he has conducted the ship of state to a harbor of safety; and, after mature reflection, I have become satisfied we should not abandon him when he has so faithfully stood by us. I vote aye.

Mr. **Marvin.** (In explanation.) I came to this Convention with no other expectation than that of bringing on all the elections, both for Governor and the Legislature. With that feeling, and having come to that conclusion, I voted yesterday against the passage of this ordinance. With regard to the Legislature, I am clearly satisfied of its necessity. I have been conferring for a few months with my constituents, and they have expected that this election, as well as the election for Governor, would come off; and I say here no gentleman has the right to impugn my motives in the vote I gave yesterday, or to declare that I did it as a rebuke ~~to the present~~ incumbents. I did it with the intention of going before my constituents and inducing them to endorse my action on this vote. There are no men in the State of Missouri whom I would sooner vote for than the present incumbents. They are my choice from first to last. There is an absolute necessity for the election of a Legislature, but it is contended that we can with propriety dispense with the election of Governor. It has been asserted, time and again, that we do violence to no law in continuing the present Provisional Government. I think, therefore, under the circumstances, that we had better continue the election for Governor.

Mr. **McCormack.** (In explanation.) I voted yesterday on a principle that I believed was right—on the principle of self-government. I was in favor of referring this thing back to the people. After mature reflection upon this matter, and believing without the least shadow of a doubt that an immense majority of the people whom I have the honor to represent on this floor are in favor of the present incumbents; and that I, by changing my vote now to retain them in office, only effect the object which they themselves will effect by their own votes in August next; and that it is probable that, by retaining them in office the discussion of very grave questions which my constituents do not wish to discuss may be avoided, I shall, therefore, vote aye.

Mr. **Meyer.** (In explanation.) As it seems to be in order to explain votes, I desire simply to say that I have the highest respect for Governor Gamble, Lieutenant-Governor Hall, and for our Secretary of State; but, sir, I believe a large majority of the people whom I have the honor in part to represent here favor an election; and believing that we can hold an election all through the State, and in almost every county within the State, and can get a fair expression of the people, I am bound to vote no.

Mr. **Ritchey.** (In explanation.) I am one of those who voted against this ordinance on yesterday, and I was one of those who voted for a reconsideration of that vote this morning. My reason for voting against the ordinance was, I had no disposition to take the right of choosing State officers from the people. My reason for voting this morning for a reconsideration was, I was willing to hear the arguments of any gentleman in this house in favor of that ordinance. I have heard nothing that has convinced me that my vote was wrong yesterday, and I therefore vote no.

Mr. **Shackelford** of Howard. (In explanation.) I voted for a reconsideration this morning with the hope that gentlemen who had voted down the proposition to postpone all elections, would move a reconsideration of that also. Inasmuch as that has not been done, and the action of this body now is to have no election for Governor and other officers, and only an election for members of the Legislature, with restrictions around the elective franchise, and believing it to be inconsistent with our free institutions, I must therefore vote no.

Mr. **Sol Smith.** (In explanation.) Mr. President, I voted to reconsider this question, and when a motion was made, as I supposed, to commit it to the committee for the purpose of bringing about a compromise, I voted for that. If I could believe, Mr. President, with my colleague Mr. Meyer, that my constituents wished me to change my vote, I should certainly do it. I came here, as far as I know now, to represent their opinions, not my own when in contra-distinction to theirs. I regret to part in one vote from my colleagues. I give them the credit of voting as they think right, and in accordance with the will of their constituents, but at the same time I must have the privilege of judging of that myself. For my part, I have seen no reason for believing that my constituents wish to exercise the right of electing State officers. The only thing I have seen is a resolution, published in a paper printed in a foreign language, which said: "Down with the Convention!" "Down with Gamble!" Now, I do not know whether this has had any effect on my colleagues—it certainly has had none on me, and I do not consider it an indication of public sentiment. I agree with my colleague Mr. Hitchcock, and my young friend Mr. Breckinridge, in this, that there has nothing happened since yesterday to induce me to change my vote. I vote aye.

The vote was then announced.

Mr. McFerran. I move to reconsider the vote just taken, and to lay that motion on the table.

The motion was agreed to.

CONFIDENCE IN THE GOVERNOR.

Mr. Dunn then offered a resolution to the effect that this Convention has undiminished confidence in the patriotism, wisdom, and integrity of Governor Gamble and the other officers elected by the Convention, and now continued in office for the rest of the term.

Mr. Dunn. One word of explanation. I deem that resolution necessary to preclude any misconstruction of the position occupied by a number of us in reference to the votes which we have deemed it our duty to give in connection with this subject. I voted against postponing the election of Governor solely and entirely from considerations of public policy—not that I had a particle of objection to Governor Gamble or the other officers; on the contrary, I fully intended to vote for Governor Gamble, and use my influence in favor of his re-election. The Convention has just done what I would have done as one of the people of the State. I preferred, however, that we should adhere to the platform heretofore inaugurated by the Convention, because this ordinance continuing these officers differs from the previous policy of the Convention, to permit the election to go to the people. But as the Convention has in its wisdom deemed proper to continue these officers, I therefore acquiesce in that decision; and I have no doubt but that on our return home to our constituents they will meet us with the assurance that we have done precisely what they would have done. As I remarked in explanation of my vote, if I had been in Governor Gamble's situation, I should have preferred to hold the office of Governor by an election from the people to holding it by continuance from an ordinance of this Convention. I deem this resolution necessary to place those of us who voted against the postponement of the election right upon the record. If I know my own heart, I must say that Governor Gamble has not within the limits of the State a more sincere friend than I claim to be. I have the highest confidence in his ability, integrity, and patriotism, I hope, therefore, this resolution will pass unanimously.

Mr. Birch. I shall vote, Mr. President, with great cordiality for the resolution which has been offered by my colleague, Judge Dunn. Whilst my judgment may not have commended *all* the administrative discretion wherewith, with so much unanimity, we felt it to be our duty to invest the Provisional Government of the State, I have seen nothing in the conduct of Governor Gamble which has impaired my confidence either in his patriotism or his integrity; and think it both appropriate and proper, after the division of opinion which has been manifested in respect to the *election* of a Governor, that this resolution should pass (as I trust it may) *nemine contra-discente.*

Being no longer (of course) a candidate for the station he has so worthily filled at the instance of the Convention, and which it has been just resolved he shall continue to occupy during the unexpired term of the deposed Governor, it is trusted I may be at length permitted to refer to an extract from a free State Union paper, which differs so materially from some other free State papers that I was tempted, during my detention in St. Louis, to cut it from the files of the Planters' House, where I found it incorporated in an editorial paragraph in the St. Joseph Gazette. If, after the sinister criticisms which other free State papers have seen fit to make in respect to the loyalty of Governor Gamble and myself, there be anything immodest in thus reading the opinions of an editor less warped in his judgment by the fell spirit of military *abolitionism* than other papers are, (to which I will refer presently,) I submit myself to the forgiveness of the Convention, as a *citizen* who thus ventures to read of himself one of many good opinions which he has never repeated as a *candidate.* The paragraphs are from the "Doniphan Patriot," a town in Kansas which was named in honor of my illustrious friend from Clay, and are in these words:

"**Judge Birch.**—When the troubles first broke out in Missouri, Judge Birch was the first man who had the courage to stand up and oppose secession boldly; this he did, and at a time when to do it required a man.

"This position he nobly maintained through all the trying hours of the rebellion in Missouri, never faltering, never doubting, till having won the plaudits of the Union men of that State, he ventured to announce himself a candidate for Governor, with the approbation of the greater portion of the friends of the Union cause."

I again apologize, Mr. President, if in the feeling of the moment which finds me released alike on the responsibilities and the criticisms of a popular canvass, I have in any respect transcended the bounds of delicacy in having thus ventured to read a commendation which was intended for no other purpose, when cutting it from the paper alluded to, than the family "scrap book," through which I have hoped my children and grand-children may by and bye look at least without *blushing*, if not without emulation.

I come to speak, however, more directly to the resolution of my colleague, and as preliminary to this I need only refer to what I have ever understood to be the identity of opinion between Governor Gamble and myself in respect to the great domestic question out of which our present unhappy complications have grown, and in respect to which we concur in opinion as to the appropriate remedy—of which "by and bye."

I did not doubt, at a former session of this Convention, that in the course of more than thirty years' acquaintance with the Governor, I had rightly divined his position upon the question of domestic slavery. I had heard him state substantially, in a reply to some remarks which were made during our first session in St. Louis, that *nothing* could make him an *anti*-slavery man; and I hence avouched him to my constituents, on my return from our June session, (at which we so unanimously elected him our Governor,) as being as "sound" upon the question of "slavery" as I was myself. A few days, however, brought us his proclamation, (the first he had ever issued,) in which, in respect to our life-long policy upon that question, he *distinctly* announced it to all the people of the State, that they had in his position as Governor, a *guaranty* that the institution of slavery would suffer no detriment, but would receive all proper *protection* in his keeping. I have not before me the proclamation alluded to, but am confident, as well from my own recollection as from an additional incident to which I may as well allude, that I do not state its position too strongly. That incident is, (or rather was,) that in the early part of the canvass from which the vote just taken has relieved me, I was so approached by a representative "emancipationist" in St. Louis, as to denote that that proclamation had fixed an impassable gulf between the Governor and that party—and had I been base enough to have "caught at" the obviously intended *suggestion*, I might, of *course*, have escaped the opprobrium which has since been lavished by the press of that party alike upon the Governor and myself. Because I did *not* do so, I of course claim no *merit*; for *had* I done so, I would have been as base a knave as those who thus essayed to —— "*use*" me. Let the Governor *himself*, therefore, answer, (if there be those who desire to be more specifically or *circumstantially* informed of the mere *facts*,) whether "me and mine," from first to last, have or have not stood by him, in consonance with all the implications of good faith, of patriotism, and of honor? I *ask* no other witness, and of course *deprecate* none.

As time and events wore on, Mr. President, it found me a candidate for the place so worthily filled by the gentleman whom I had so earnestly invited in calling to it—the *reason* of which I may more distinctly allude to in conclusion. At present I but desire to devote a passing remark to those whose calumnies against us are prompted by the same narrow and malignant impulse—the same fanatical and unfraternal purpose. Passing by the Democrat, (the organ of "Col. Boyd," at St. Louis,) and the German papers of the same city, who slanderously clamor, in the same paragraphs, against the "scorpion" and the "washer-woman"—disregarding these exponents of the mere bitterness of *Missouri* abolitionism, the gentleman who sits next to me has kindly loaned me the St. Louis News of yesterday, from which I read, as copied from the "Gate City," of Keokuk, in our neighboring State of *Iowa*, this paragraph:

"Governor Gamble has not exhibited any heart in his support of the Union cause from the first. He is a seedy, fossil, conservative slaveholder, devoted with all the ardor of a strong but narrow mind to the interests of his class. If his heart had been in the cause, the rebellion might have been put down in Missouri long ago; but he regarded the troops of the United States as a hostile army in the midst of his people, and showed them little aid or countenance. He now stimulates the prejudices of the people, and seemingly justifies the murderous assaults of the secesh guerrillas upon the troops in Missouri, by stigmatizing them as "hostile troops." He has never been regarded as a straight Union man in Northern Missouri; and we think that the majority of the men who fought for the cause of the Union in its hour of greatest peril in Missouri, do not regard Governor Gamble as a whit more loyal than Judge Birch, recently arrested on the charge of treason."

It is not necessary, Mr. President, that I should do more in order to denote the general unfairness and malignity of this article, than to recall attention to its *own* "narrow-minded" estimate of the distinguished jurist and civilian, with whom I feel it rather an honor than otherwise to be associated in Keokuk, as I am in St. Louis, in the same category of malignant and calumnious opprobrium. With such a vote as I doubt not will be presently given upon the resolution of my colleague, it is trusted that both the Governor and myself may be able to outlive the assaults of the abolition *press*, and that our State institution of "slavery" may in like manner survive the portended onslaught of the abolition *vote*.

Appropos, Mr. President:- The gentleman from Cedar (Mr. Gravelly) took occasion, in explaning his vote a few minutes since, to *reprehend* such gentlemen as were candidates upon the platform denoted in the phrases I have so often employed, and having reference, of course, to my own position. It is not, of course, for me to characterize either the magnanimity, the bravery, or the *fairness* of that gentleman's allusion, as made at the moment when the Convention was virtually voting me *out* of the canvass, and when, moreover, according to the rules of the Convention, my lips were sealed *against* all *impromptu* reply. I reply now, however, to the stereotyped declamation of all such gentlemen; and I refer to friends upon the floor here from St. Louis to verify the statement, that in spite of my *utmost* exertions to the contrary, the emancipation question has been *thrust* into this canvass, and that we must either permit such gentlemen as those who inaugurated it two months ago, at the great meeting in Franklin county, to sweep the State with such speeches as those to which we listened on Saturday from the eloquent delegate from St. Louis, (Mr. Breckinridge,) or we *must* meet and oppose facts to fallacies—historic *accuracy* to the most injurious historic *sophistries*. Thus, whilst I was even *imploring* that portion of "the Union party" in St. Louis and elsewhere, who have imbibed the heresy of emancipation, that the State might be spared the infliction of a new and malefic slavery agitation in this canvass, the "emancipation conspirators" (if I may call them so without intending any personal disrespect) were concocting and agreeing upon the dogma whereon they were to base their reliance in this canvass, namely: the dogma which I have been *impelled* to confute at Chillicothe, at Boonville, and elsewhere, or permit it to go *un*answered, and pass thence as current political history, which (*if true*) would, of course, itself seal the doom of the institution to which I was born, and which has at least the *guaranty* of constitutional perpetuity in this State, unless in the far, *far*-off future we should find ourselves both able and willing to *pay* for the property thus solemnly guaranteed to its owners.

I repeat, Mr. President, we *have* to meet this "slavery question" in the approaching canvass. We *have* to meet such men as Breckinridge, and Brown, and Blair, and lesser lights throughout the State, or to acknowledge that they have the better cause, and that we therefore *fear* to meet them; and whilst the man who would counsel the latter may talk as he pleases—may inveigh as it pleases him against those who simply *take up* the gauge of controversy which has been thus *forced* upon us—for one, I want no better evidence that he himself has taken at least the *first* degree in the inevitably progressive school of ultra *abolitionism*. All unconscious though he may be of the fact, the history of those who have preceded him bears but unbroken testimony to the path and the goal of his final destiny. I reciprocate, therefore, the admonition so courteously tendered to me by the gentleman from St. Louis—a gentleman in the substantial as well as the conventional sense of that much abused designation—when I express the undoubting conviction that he will have fully fraternized with "the abolitionists of the North," *at least* as soon as I will have fraternized with "the traitors of the South"—and thus I leave the future of both of us dependent, somewhat, upon the course, the progress, and the *success* of such *gentlemen as himself*. May an omnipotent destiny concur in dedicating us alike to the preservation of "the Union as it *was*," which, to my mind, implies the recognition and protection of "slavery *as it is*."

There are some facts, Mr. President, which should be now and then repeated, with the design of preserving them for reference, if for nothing else, and it is in that sense, and for a purpose which will be additionally denoted in this connection, that I ask permission to read from a letter which I received yesterday from St. Louis, an extract from "The Great West," a historical compilation recently published, as follows:

"When the news came to St. Louis that Congress had determined (in 1820) that the people of Missouri should frame their own Constitution, and decide for themselves 'slavery' or its rejection, the minds of the people became fearfully agitated on the very subject which threatened such serious consequences at Washington. It appeared that the political storm had not spent its fury, and had passed from the east to rage with violence near the western horizon. The same question which had distracted Congress, when removed to Missouri lost none of its exciting qualities. In St. Louis, from its being the largest town in the State, and consequently the main stage where the political drama would be played, the inhabitants divided themselves into two great factions—one in opposition to slavery, and the other in advocating it. Both parties selected their most influential members to form a ticket to be elected by the people to represent St. Louis county in the Convention that was to form the Constitution of the State. The following named gentlemen were announced as candidates representing St. Louis county, and were:

For the Admission of Missouri as a Slave State:

'T. F. Riddick, Gen. William Rector,
Col. Alex. McNair, David Barton,
John C. Sullivan, Edward Bates,
Wilson P. Hunt, Alexander Stewart,
Matthias McGirk.'

'INDEPENDENT TICKET.

'*Opposed to the further introduction of Slaves in Missouri.*

'FOR CONVENTION.

'Judge J. B. C. Lucas, Robert Simpson,
Rufus Pettibone, Caleb Bowles,
Abraham Peck, William Long,
John Bobb, John Brown.'

"The ticket elected July 19, 1820, for representing St. Louis county, were all gentlemen, STRONG *pro-slavery men*. Not one of the anti-slavery candidates was elected. To represent St. Louis county, when the Convention was called to form the Constitution, the choice of the people rested upon the following gentlemen, viz: Edward Bates, Col. Alexander McNair, John C. Sullivan, Pierre Chouteau, jr., Bernard Pratte, and Thomas F. Riddick."

The foregoing quotations can be found, commencing at page 322 of the book referred to, and are reproduced as succinctly embodying the *State* history of the slavery question two and forty years ago. What was true of the city and county of St. Louis was true of the State. Its ablest men were brought out and elected to the Convention, and so wrote down our fundamental law as to inspire the belief that we might live exempt in *all* the future from the strife and the storms through which we had been destined to "admission as a slave State." It was hence argued in the State of Kentucky, as an inducement to emigrate to Missouri, that her Constitution was *fixed*—being virtually *irrepealable*—and that such names as those of Barton and Bates of the Convention, and Benton of the press, (afterwards of the Senate,) constituted at least a guarantee that the faith thus plighted would be *kept* with the slaveholders thus induced to rely upon it. Let others answer, Mr. President, how well it would be kept by any of the methods thus far proposed for its extinction, including even the plan of the distinguished delegate from St. Louis, which would have inhibited from the State all southern *emigration*, thereby *encouraging* such a tide from the North as it was doubtless believed would be decisive of the question at the election two years hence. If such be the lauded fairness of *anti*-slavery, commend me still more firmly to at least the ingeniousness and "good *faith*" of the "peculiar institution" of our fathers.

But I pass on to record the data upon which to predicate a reference to the great change which has, in like manner, overcome the editors or managers of the principal Republican or emancipation paper in the State—the St. Louis Democrat. Time was, Mr. President, and that but a few years since, when even *that* paper resented, as "the work of political *foes*," what it now regards as its highest merit—namely, the endorsement of a "Black Republican *Ticket*." In proof of this, read the following advertisement from its daily edition, on the morning of the election six years ago:

"ONE THOUSAND DOLLARS REWARD.—A DASTARDLY FRAUD — *Saturday, August* 3, 1856.—In this morning's issue of the Democrat, some infamous scoundrel inserted at the head of the State ticket the line 'Black Republican.' This act has been the work of our political foes, accomplished by bribery; and all parties concerned will be publicly exposed as soon as the facts are elicited. The reward will be paid by calling at this office."

I am weary, Mr. President, and could not go on, if I even would, to contrast the thousand dollar *indignation* once affected by the Democrat, with the twice ten thousand dollar *commendation* it now bestows upon those who can be induced to head, or even *support*, the ticket which it so emphatically eschewed in the days of BENTON. "Other idols have since taken possession" of them~~; so that~~ even the *memory* of the sagacious and illustrious Senator has been left to the vindication of those who were once his adversaries, though never in the sense in which, in his last days, he so denounced the Democrat and those whom it is *now* serving. I will not in this connection repeat, but simply again refer to his last letters from Washington, as incorporated in my remarks of Saturday last, and trust they may at least be preserved for *use* in the canvass before us.

In that canvass, I repeat, we cannot avoid the issue which has been inaugurated if we *would*, and which (being no longer a candidate) I have, at least, no sinister motive for adding, we perhaps *should* not if we *could*. It has been forced upon us by those who have their own ends in view, and they are to be accredited as being at least *earnest* men, who, although frustrated in their purpose to carry it into the election for *Governor* will carry it but the *more* earnestly into all *other* elections. They will hence have a ticket whenever they have the least hope of success; and where their strength may be deemed unpropitious for so *open* a purpose, they will throw what strength they have upon such candidates, not *openly* in their favor, as they can have the best understanding with, whether in respect to the present or the future. To talk, therefore, of *ignoring* an issue thus defiantly tendered and *forced* upon us, is to talk like men who have made up their minds to ultimately take passage upon the same boat; and the statistics of the coming election will be combined and regarded accordingly. Shall these statistics be such as *cannot* be mistaken or perverted to our prejudice, and to the repression of all further emigration from the slave States, or shall our friends and kindred there be still encouraged to feel that there is yet a home for them in *Missouri?* Let the returns of the coming election, therefore, in that manner denote and thereby decide the future *status*, and the consequent future *destiny*, of the STATE; and to that end let there be a full and proper organization, or at least an earnest and an investigating *watchfulness*, in every county, and in every district, and "all will again be well."

Mr. ORR. I want to make a proposition which I think will conduce to the benefit of this Convention. We have agreed by a very decided vote that we would not discuss this negro question during the further session of this Convention, but I want to say that if it is permitted during this Convention to make a speech in favor of slavery, I shall do what I can to get the gentleman from St. Louis to introduce a counter proposition, and have them argued fairly and squarely. I want to renew the proposition that I made at Boonville, in reply to Judge Birch's speech made at another place. Judge Birch had undertaken to reply to a speech of Mr. Drake, at St. Louis. One had proved to the satisfaction of his friends that the war was brought about by slavery; and the other had proved to the satisfaction of his friends that it had been brought about by anti-slavery. Now, I propose to meet any individual, whether slavery or anti-slavery, in this hall, outside of this Convention, and prove to the satisfaction of any jury such person or persons may select, male or female, that whisky and tobacco had more to do in bringing about this war than slavery or anti-slavery.

Mr. GRAVELLY. I hope that no gentleman anticipates that I will attempt to reply to the remarks of the distinguished gentleman from Clinton. I think I know myself too well to undertake any thing of the kind; and I only rise for the purpose of informing the distinguished gentleman from Clinton that in supposing I intended to rebuke him,—he whose name is associated with all the great names of the country—he whose name and whose acts have for so many years been connected with all the great and distinguished men in the land—that I consider myself too humble an individual to attempt anything of the kind. The idea that I, an humble individual from the county of Cedar, should undertake to rebuke *such* a man! I want him to understand that I had no such motive in the explanation of my vote—none in the world. I can only account for the distinguished gentleman's imagining that I alluded to him in this way: In old Virginia, the State from which I came, as well as the distinguished gentleman from Clinton, a man who had hitherto occupied a respectable position in society, threw a black snake into a crowd of ladies, and was indicted and fined very heavily for so doing. He became nearly deranged. He knew he had committed a great wrong. Some time after that he went to hear an old iron-sided Baptist preacher. The venerable preacher read for his text that passage in the Bible which says, "As Moses lifted up the serpent in the wilderness." The moment he had got that far, the concsience stricken individual raised himself up, like the distinguished gentleman from Clinton, and says he: "Old hoss, if you raise that question here again, I am done with you forever." Certainly nothing uttered by the gentleman from Cedar could be construed into an attack upon the distinguished gentleman from Clinton, except he was in the same condition of mind as the man with the black snake. I only said this, that the people of Cedar were tired of this incessant agitation, and that they had all preferred our present incumbent to any other. I stated that I voted with that belief, and that the remark made by the gentleman from Clay that our action looked like repudiation of the present Governor, were untrue. I made no attack on the gentleman from Clinton at all. I never can expect to undertake such a job as that.

The resolution was then unanimously adopted.

SOLDIERS TO VOTE.

The bill to enable soldiers to vote was taken up.

The motion to reconsider the vote by which the amendment offered by Mr. Smith of Linn, (allowing only such citizens of Missouri as are soldiers in this State to vote,) was rejected, was reconsidered.

Mr. **Eitzen** said: Mr. President, the bill now before the Convention is one in which those whom I have the honor, in part, to represent on this floor are particularly interested. It may not be generally known that there are several thousand United States volunteers, as distinguished from those raised particularly for the defence of this State, still stationed in Missouri. Among these, there is one regiment, viz., the Fourth Missouri, which was principally recruited in Gasconade county, and whose headquarters, now at Franklin, were, until recently at Hermann. These troops are now guarding the bridges on the Pacific railroad, as well as those on the Southwest Branch.

It would be grossly unjust to these gallant men, who have taken up arms in this State in defence of our flag, to deprive them—because of their gallantry—of their votes. I hope the ordinance, as amended, and now under consideration, will not pass; but I desire very much the adoption of the original ordinance, so that all loyal men, as well in the army as out of it, may be enabled to express their choice for the several candidates at the coming election.

Mr. **Orr**. Yesterday evening, this amendment was voted down, and being somewhat excited, I spoke about the radicalism that would allow men in New Orleans te vote for a representative in Cole county. I desire to say that I did not thereby mean to impugn the motives of gentlemen, nor did I mean thereby to say that Missourians in the military service, quartered in this State, should be deprived of voting. I referred only to men out of the State. I did not think men in distant places—in New Orleans—could discreetly vote for a person to represent Cole county. I am in favor of allowing soldiers to vote who are citizens of this State, and who are still in the State.

Mr. **Isbell**. I cannot see injustice done to the brave men of my county—the Twenty-sixth Missouri—who assisted in the capture of Island Number Ten, and were with General Pope throughout. To deprive these men of the right to vote would be doing them great injustice, and I am bound to raise my voice in condemnation of any act of that kind.

Mr. **Shackelford** of Howard. The action of this Convention yesterday, in adopting the ordinance bringing on the election for a Legislature, has called forth this ordinance. Sir, it must be apparent to every candid inquirer, and every patriotic heart in this body, that the holding of an election in the midst of a rebellion is not consistent with our free institutions. Therefore, having provided for an election for members of the Legislature, I could readily see, and I foresaw, an apparent necessity would arise for the gentleman to introduce just such an ordinance as this. On its face, there appears an inconsistency—that men who are to imperil their lives for their country should be prohibited from voting—and it was to avoid this very thing that I raised my voice of warning against the ordinance of yesterday, because I foresaw this proposition would run counter to the Constitution of the United States. It seemed unjust that these men should be deprived of the right to vote; but, notwithstanding, I say this proposition is against the spirit and letter of the Constitution of the United States, and of the State of Missouri.

I, sir, am not accustomed to speak on subjects of this kind before deliberative bodies. I have only been accustomed to practice law before the courts of my county, and address judges and jurors alone; but when I see what I consider an invasion of the Constitution of the United States, I cannot help raising my voice against a violation of that good instrument. Now, sir, to the law and to the testimony. The Constitution of the United States, article 2, section 2, provides: "The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States." The militia then, sir, when called into the active service of the United States, are part and parcel of the army of the United States, and subject to all the rules and regulations which govern it. Then, sir, we are asked in view of that, to allow the officers and soldiers in the service of the United States, under the command of the President of the United States, to vote at an election in Missouri. Now, sir, how have our fathers attempted to guard the ballot-box, especially in this State? I appeal to you to go back to that instrument—the Constitution of the State of Missouri—adopted by men of patriotism, and whose integrity never can be doubted. They have, by their action, distinctly announced that we never can commingle the sword with the ballot-box, because it is dangerous to civil liberty, and it is as dangerous today as it was then; and the voice of warning comes as solemn to-day as it came then. That voice is this: "That no soldier, seaman, or mariner, in the regular army or navy of the United States shall be entitled to vote at any election in this State."

Now, sir, gentlemen may say that there is a distinction between the militia called into active service and the regular army. The rules and articles of war know no distinction. I defy gentlemen to show there is any distinction. They become subject to all the rules and regulations of the regular army, and are under the control of the President of the United States; and I don't care whether he be a Missourian or not, if he is enlisted in the service of the United States, he ought to have, while in that service, no part or parcel in administering the civil affairs in the State of Missouri. Not only did they pass that provision, but our fathers wanted carefully to guard it; and what did they say further? In the 22d section of the 13th article we see "that the military is, and in all cases and at all times, shall be in strict subordination to the civil power." Now, sir, tell me that when a man has enlisted in the army of the United States he can go to the polls, with a bayonet in his hands, and have a voice in the election of civil officers! No, sir, it is not, and cannot be so in the very nature of the case. We must keep the civil and military powers separate, or the last vestige of civil liberty is gone. And these men who have, with such unanimity and patriotism, gone forth to defend their country in the time of rebellion, have assumed the duties of the soldier and laid aside the rights of the citizen, and they must stick to the one and abandon the other until they have achieved victory by the sword, and then when they go before the people the people will give them all honor. They ought not to desire to act in both capacities, because it would be a violation of this sacred instrument, which we have all sworn, before the God of Heaven, that we will support.

I felt it my duty to make these remarks because I consider that we are in danger, and I fear are about to have every vestige of civil liberty frittered away. I shall vote against every proposition of this character.

Mr. **Douglass.** A few moments, sir, upon the legal aspect of the question now presented. Inasmuch as the gentleman from Howard has sprung that question, it is well enough that we shall understand it. Now, sir, if there is any mode by which the citizen soldiery of the State can be allowed to cast their votes at the coming election, I hold it is the solemn duty of this Convention to provide some way by which it can be done. Why, sir, if these patriotic men who have raised their arms and entered the service of the United States, and of this State, in order to protect our institutions, are not to be allowed to vote, some of the members of this Convention would be excluded—some of these brave and patriotic men who have nobly discharged their duty to their country in the field, and who have also discharged their duties to their constituents upon this floor. Besides them, I am informed we have some fourteen thousand in the State service, and how many in the United States service I am not informed.

Mr. **Hall** of Buchanan. About thirty thousand.

Mr. **Douglass.** Now, these men have entered the service of our country for the very purpose of preserving our institutions. One of these institutions is the elective franchise.

Shall it be said that because these men entered the service for the protection and preservation of this institution that, therefore, they shall be denied the right to exercise the privilege of the elective franchise? Why, sir, it would be gross, palpable, manifest injustice. Why, I may say, we are indebted to their voluntary bravery for the very privilege which we now enjoy of sitting in deliberation here in this Convention. I hold, therefore, that, as an act of simple justice to the bravery of the citizen soldiery of this State, that if there is any mode to be devised by which they can cast their votes we should provide it.

Now, the gentleman has said that this ordinance is in violation of the Constitution of the United States, and of the State of Missouri. Sir, he has failed to show us that there is anything in the Constitution of the United States prohibiting our soldiers from voting. If there was anything in the Constitution of the United States prohibiting our soldiers from voting, I should not, as a matter of course, advocate it, believing as I do that the Constitution of the United States is the supreme law of the land. But there is nothing in the Constitution of the United States—not one word or one letter in that instrument—prohibiting the passage of this ordinance. Every person familiar with the Constitution of the State and of the United States knows that every State has the right to define the qualification of its own voters. This proposition, sir, will not be controverted. Hence there is nothing in the Constitution of the United States prohibiting the passage of this ordinance.

But the gentleman, leaving the Constitution of the United States, refers us to the 10th section of the 3d article of the State Constitution. Now, sir, I hold, in the first place, that there is nothing in the article read prohibiting the volunteer soldiers of the country, or the militia of the State, from voting. The section of the article from the State Constitution quoted by the gentleman from Howard prohibits only soldiers in the regular army and navy of the United States from voting. Why, the distinction between the regular army and the volunteer army is well known and established. How was it in the war with Mexico? The volunteers from this State, although enlisted in the United States service, were permitted to vote in the election of that period, and the power to allow them to do so was not questioned then, and I have not heard of it being questioned since. I hold it is clear, from the language of the Constitution itself, that the prohibition only applies to those enlisted in the regular army of the United States—that means the regular standing army, not the volunteer force that that may be called into service to meet such an extraordinary emergency as the country is passing through now. It means, then, those who are in the regular army, and it seems to me the proposition is too plain to require further argument; and if it were otherwise—if there were anything in the State Constitution prohibiting the passage of this ordinance—what then? Why, I believe it has been generally conceded by legal gentlemen and by others, that this body is a supra constitutional body—that it is within the power of this body to change, modify or alter the Constitution of this State. I believe the truth of this proposition has been conclusively established. I do not know whether the gentleman from Howard participated in our action which has tended to establish the truth of this proposition, but its truth has been most conclusively established, at least in the estimation of a majority of the members of this Convention. I repeat, therefore, if there is anything in the Constitution of this State prohibiting the passage of this ordinance, by which the gallant men now defending the State in which we live, and the institutions of the National Government, are permitted to vote,—*if there were anything in the* Constitution prohibiting the passage of such an ordinance—it is in the power of this Convention, and it would be our right and duty to brush it like cobwebs away. I think, therefore, there is no force in the objections made by the gentleman from Howard.

Another objection, he urges, is, that the military shall be subordinate to the civil power. Grant it. But we propose to allow those who have enlisted in the armies of our country to erect, or at least aid in the erection of the civil power of the State, and by their votes they will show that they hold themselves subordinate to the civil power. I do not think it is necessary to elaborate that point. It is clear we have the right to pass this ordinance, and I hold it is our duty to do so as a matter of justice to our gallant, brave and patriotic citizen soldiery.

The Convention then adjourned to 2 P. M.

AFTERNOON SESSION.

Met at 2 P. M.

Mr. CAYCE presented a memorial from citizens of Washington county in relation to the revenue of that county. Referred to a special committee.

Mr. SMITH of Linn. I desire in offering that amendment to say one word in reference to it. Inasmuch as gentlemen have spoken in opposition to its passage, because of its intention to disfranchise a class of our fellow-citizens, I propose, sir, briefly to give the reasons that induced me to offer it. It was with no intention of depriving a single citizen of any right or privilege that in my judgment he would desire to exercise, nor did I propose to do that which has never been done before. During the Mexican war thousands of our citizens entered the United States service as now, and were absent from the State of Missouri during the elections, but there was no proposition I ever heard of extending to them the right to vote. I can see no reason now, sir, why they should vote when out of the State any more than they should vote then. I am unable to see that the citizen soldiery to-day are more worthy and patriotic than they were then. I presume there is no difference. Another reason, sir, some part of the elections that will take place will be only for county officers, Senators, and Representatives. Those men who are now out of the State have been out for some two or three months. They will have hardly any opportunity to ascertain anything in regard to the issues and the personal qualifications of the candidates. You know, sir, that it is the custom in our country for the candidates for office to define their positions before the people on various public matters for some five or six weeks previous to the election, so that the people can then go to the polls and vote understandingly. But, sir, this cannot be done. The mass of the soldiers will not understand anything with regard to the issues or the differences that may exist between the candidates, and in many instances they will be wholly ignorant of their qualifications. For this reason, sir, I introduce the amendment. If these men obtain any information of the candidates, they must get it through a third person, and he more frequently being an interested party, they will not, therefore, be able to vote understandingly. Now, sir, I would be as far from denying to the soldier any privilege he ought to exercise as any gentleman on this floor. If there is a class of men I esteem and whose services I appreciate, it is that class of men that I propose to exclude by this amendment. I do not propose to exclude those who are in the State and who will have, at least, more means to understand something about the candidates and the issues; I only propose to exclude those who are out of the State and who will have no means, except through a third person, of informing themselves with reference to the issues. Sir, I have some little experience with reference to the wishes of soldiers with regard to exercising the elective franchise. Last winter an election was ordered by the Governor to elect a Representative to the Congress of the United States. At that time the Twenty-third Missouri Volunteers, with which I was then connected, was stationed at Chillicothe. There were two candidates for Congress, Mr. Hall and Mr. Hawkins. It was not known on the day of election that Mr. Hawkins had withdrawn his name. Mr. Hall visited our camp a few days before the election. Our regiment consisted of nine hundred men, most of whom lived in Mr. Hall's district. In addition to those there were about three or four hundred State Militia—or six months' men. The day of election came and the men were informed that they had the privilege of casting their votes if they desired. Out of the nine hundred men in our regiment, most of whom resided in the district, there were but two hundred who cast their votes, and, sir, every vote that was cast at that precinct was cast for Judge Hall. Well, I enquired of some the reason they did not vote. "We know but little about it and we care but little about it; we understand they are both Union men, and knowing nothing about Mr. Hawkins, and but little about Judge Hall, we leave it to those Union men who know better than we." Consequently, they declined voting, and I venture, sir, that there are but few soldiers outside of the State who would desire to cast their votes at the coming election ——

Mr. WOOLFOLK interrupted with a question not heard by the reporter.

Mr. SMITH. I cannot answer the question. I am aware such is the fact. The country had learned, I presume, that Mr. Hawkins had withdrawn. Another reason which I will assign for offering the amendment is, that I believed it was the desire of this Convention to act consistently with itself. I remember, at the last session of the Convention at St. Louis, the Military Bill now in force, and which was drafted by the Committee on Military Affairs, and I believe the gentleman from Daviess was on the Committee ——

Mr. McFerran. No.

Mr. Smith. I mistake then. At any rate, a provision of that bill was this: "All companies of soldiers are authorized to elect their own captains and lieutenants, &c., and the Governor was authorized to appoint the Colonel, Lieutenant-Colonel, and Major." When the bill was presented, I moved to strike that provision out and authorize the company officers to elect their Colonel, Lieutenant-Colonel, and Major; but these very gentlemen, some of whom I know, who now feel so solicitous for the exercise of the franchise on the part of the soldier, then voted to deprive him of the power and privilege of selecting his immediate commanders—and there is a proposition now before the Convention to still further disfranchise and take the power and privilege from the private of voting for his Captain and First and Second Lieutenants. I desired, sir, that the soldier should select his own officers from Colonel down; but those gentlemen who are now so anxious to have them vote for civil officers, denied them that privilege and voted down my proposition by an overwhelming majority, and placed it in the power of the Governor to appoint these officers. Sir, I cannot see the reason why gentlemen will deny the soldier the right of electing his immediate commander by his vote, and yet, sir, are willing that he should select civil officers to govern him. I do not think the soldiers will properly appreciate this. I was formerly in the army myself. It is true I was appointed to a position in my regiment, but the Governor appointed me because the men first selected me.

Mr. Hitchcock. I would like to ask the gentleman if he believes that this proposition will impair the efficiency of the service?

Mr. Smith. I am only complaining of the inconsistency of my friends. I have offered this amendment, sir, because I consider there are especial reasons why it should be adopted, and I believe it will be appreciated by the soldiers; and if there is a class of men living that has my confidence, and for whom I would willingly do anything that was reasonable and what they might desire, it is the regiment to which I belong. That regiment is included, and will be excluded from the ballot-box by this proposition if it is adopted. The Colonel of that regiment left here to-day. I consulted him with reference to this matter, and he said he regarded an election in the army as a farce; he said it would open the door to fraud, and he knew the soldiers would not desire the privilege of voting. I am satisfied he was right from my experience in this matter.

Mr. Shanklin. If I understand the gentleman's speech, he is opposed to the whole bill.

Mr. Smith of Linn. I was advocating my amendment.

Mr. Shanklin. The argument of the gentleman was in favor of his amendment, but was against the whole bill. One of the reasons the gentleman urges why we should adopt his amendment, is the want of facilities for communicating with the soldiers. Now, I appeal to gentlemen from my section of the country, whether it is not easier to communicate with Shiloh than with Springfield, and whether our facilities for ascertaining the condition of the troops in Tennessee are not better than those of South-west Missouri. If I was going to communicate with the troops at either place, I could reach Corinth much easier than Springfield. I cannot see any good reason for excluding one class and including another. Now I call to mind a regiment that fought at the battle of Shiloh. Nearly one-fourth of their number were killed on the field, a large number were taken prisoners, and the remainder were transferred to Alton as a guard. They were all from Missouri. Now the gentleman's amendment would exclude these men who are quartered just outside the State. The regiment to which my friend (Mr. Jackson) belongs has been ordered to South-west Missouri. Suppose that on the first Monday in August his regiment may be just beyond the limits of the State. They would not of course be permitted to vote. Now, I can see no reason for this difference. One argument urged by the gentleman was, the soldiers would pay no attention to voting. Well, it can do no harm to give them the privilege. Now the gentleman alludes to the election at Chillicothe. Now I knew that Mr. Hawkins had withdrawn before the day of election, but whether the soldiers were aware of it I do not know, although I think it is probable they did. The gentleman talks about consistency. Well, as far as I am concerned, that does not apply to me, because I have made no record. I think, however, if gentlemen would endeavor to do what is right without regard to a record, it would be much better.

Mr. Woolfolk. I rise, sir, simply to a personal explanation. The gentleman embraced me in the charge of inconsistency, and he tells the Convention that I voted to take from the privates the right to elect their field officers, and now he says that at this election we propose to let the soldiers vote for civil officers. I did it, sir, and I did it as an act of justice to the men, as an act of propriety, and not because I thought I was robbing them of any rights, but because I thought I was giving them greater rights. I know in the regiment to which the gentleman belonged there was great discussion as to who should be Major, and the minority of the regiment were dissatisfied. Now the Governor appoints only these officers, and in this way there are no dissatisfied minorities. Now it seems to me gentlemen distrust the patriotism of the army. They seem to think that men out of the camp are able to vote and elect civil officers, but that in the army they have not enough discretion to enable them to do this. I think that is wholly wrong. I believe the patriotism of this State is in its army. I believe one-half the Union men in the State are in the camp, and I think it is right to trust them in the exercise of the elective franchise, especially considering that we have secession votes in our State. In regard to the election of Judge Hall, it is a fact that the men voted unanimously for him, and I know it is a fact also, that the people voted for him unanimously everywhere. As to the smallness of the vote, the people took it for granted that the judge would be elected anyhow. So it shows that the soldiers in the camp were affected as other men were out. One great argument that I am anxious to impress upon the army is, that they are citizens as well as soldiers. Sir, the greatest danger to-day to the American Republic springs from the fact, that our soldiers, being constantly in camp and separated from social relations, will cease to feel as citizens. The moment the soldier feels he is not a citizen, that moment I shall expect to see a military despotism, and I believe the best way to avoid it is to allow the right of suffrage to every soldier in the Union. Let him feel he is not forgotten at home. Let his heart be cheered by the thought that, although he is battling for his country in distant lands, that we have extended to him the same right of suffrage as when he was at his own hearthstone. In that way we will give the soldiers to understand that they are still citizens, and we will remove from ourselves the greatest danger we have to dread at this time, that of making the soldier's interest different from the citizen's.

Mr. Smith of Linn. I have no objection at all to the gentleman's making a pretty speech eulogizing the soldiers. He may say all the pretty things he sees proper, but I do object to his putting me in a false position, or putting words into my mouth that I never uttered. To say, sir, that by my statement and argument I distrusted the patriotism of the soldiers, is a thing I never intended to say, and I am satisfied nothing I said will justify such a conclusion.

Mr. Woolfolk. If I made the impression on the gentleman's mind that I charged him with anything of that sort, I wish to disclaim it. I merely said I thought such was the result of the argument.

Mr. Smith. I cannot come to any such conclusion. There is a law on the statute book, that has existed since the State was organized, in reference to voting. No man has been permitted since the State was organized to cast a vote out of the State for any person in the State. His locality has been prescribed to a county or town in the State. I have not proposed to exclude those who are in the State, but I desire to adhere as closely as possible to the usages of our fathers. If the gentleman's argument is true, I ask why the sympathies of the people have not been aroused before now in favor of soldiers in the regular army. Since the State was organized they have been prohibited from voting, and if it is necessary to remind them they are citizens, why has it not been done? I see no reason for this radical change and I am opposed to it.

Mr. Jackson. I wish to say a few words because I appreciate my worthy and distinguished colleague very highly, and we have got along very well together in this Convention. But I would remind my distinguished colleague that this regiment in which I hold a commission was recruited last winter, and that the major part of that regiment knew who their officers were to be. That was the understanding when we were called into service. I admit, sir, I hold my appointment in that regiment from the Executive of the State, and I am proud of it. I do not know whether the regiment endorsed me or not. I have had no intimation that they do not. My worthy colleague holds his position by appointment, and I have no doubt it is agreeable both to him and to his men. I believe I am willing to pair off with him by saying, that he who lives in a glass house better not throw stones.

The vote was taken on the amendment of

Mr. SMITH, and resulted, yeas 27, nays 34. So the amendment was lost.

Mr. BRECKINRIDGE offered an amendment, changing "commander" to commanding officer, and instead of the first day of August, "the day of the next general election."

The amendment was agreed to.

The ayes and nays were then demanded on the first section and it was adopted, yeas 42, nays 20.

Mr. HITCHCOCK. (In explanation.) As we are reduced to the necessity of either permitting or not permitting soldiers, in or out of the State, to vote, I must vote aye. I cannot consent that none should vote.

The other sections of the bill up to the thirteenth were adopted without discussion.

The thirteenth section was taken up.

Mr. DUNN. Having voted thus far against all amendments that were calculated in their nature to embarrass the ordinance, and having voted for each section as far as we have proceeded, I think I am entitled to be considered as a friend of the bill, for I expect to vote for the final passage of the ordinance. I therefore, as a friend of the bill, call upon the members of the Convention, and friends of the bill especially, to assist me in voting for the rejection of the section now under consideration. My position in regard to it can best be illustrated by what was said of an old friend of mine who was somewhat noted for his hospitality, and who, when his friends came to see him, was in the habit of treating them with something that he called good liquor. This old friend, on such occasions, invariably took the first drink, and when he was called on to assign the reason for such singular conduct, he said he did it for the purpose of showing to his guests that the liquor was not poison.

Now, let us make no distinction. Let every voter, as far as this matter is concerned, be placed on the same footing, and let soldiers be required to take the oath as well as civilians.

Mr. HALL of Buchanan. Instead of striking out the whole section, I move to strike out the word "not."

Mr. MCFERRAN. I hope the amendment will not prevail. I see no reason for requiring soldiers to take the oath prescribed by the Convention. The presumption is, that as they have taken upon themselves the discharge of the duties of soldiers in behalf of the Union, their loyalty cannot be questioned. I hear the question asked around me by gentlemen whose loyalty is unquestioned: "How does it happen the soldiers are better than I am?" I would say to gentlemen they are not any better, but, sirs, they are in different circumstances and engaged in different avocations. They are not mixed up, as the people of the State are, with a disloyal element. Among the people of the State we cannot discriminate between the loyal and disloyal, but with the soldiers it is different. There is no disloyal element among the soldiers.

Mr. SHACKELFORD of Howard. I would ask the gentleman whether he has not in his regiment, and to his own knowledge, a number of men who are returned soldiers from Price's army?

Mr. MCFERRAN. Not that I know of. Again, sir, this amendment is wholly unnecessary. It is placing the soldiers on precisely the same footing, as far as their loyalty is concerned, with the men that went to Price's army and raised their arms against the Government. There is no reason why the loyal soldier, who is defending his country and risking his life in its defence, should be required to take an oath of this sort, and I am entirely opposed to it.

Mr. HALL of Buchanan. I cannot understand why one oath should be prescribed to the citizen and another to the soldier. At St. Joseph we have, perhaps, a thousand soldiers who will be present at our election; and I do not see why General Loan, as a soldier, shall not be required to take the same oath which I and the rest of the citizens will have to take. Let us treat soldiers just as we do citizens, and I will venture to say no soldier in the service will raise his voice against it.

Mr. GRAVELLY. I endorse what the gentleman from Buchanan has said. As far as my soldiers are concerned they would be glad to take the oath.

Mr. SMITH of St. Louis. I think we had better let these soldiers take the oath. We have prescribed it for the preachers, and I think the soldiers will like it.

The vote was taken and the amendment was agreed to.

The remaining sections were then adopted, and the ordinance was passed.

QUESTION OF PRIVILEGE.

Mr. STEWART. Mr. President, on yesterday an exceedingly choice bouquet was placed upon my table without explanation. Not knowing the object of its being placed there, some withered flowers in the vase on the President's stand were removed, and the bouquet mentioned put in their place. Since that time I have ascertained that it was presented to me as a personal compliment by some ladies of Jefferson City, and that the flowers were wreathed by the hands of those whose hearts are as patriotic, loyal, and pure, as the flowers are delicate, beautiful, and fragrant. I consider myself highly honored by the rare present, and return the fair donors my most heartfelt thanks, together with my best wishes for their future prosperity and happiness.

COLLECTING THE REVENUE.

The ordinance in reference to assessing and collecting the revenue was taken up.

Mr. Brown. I move to amend the second section by providing that the counties of Jackson, Cass and Bates shall be relieved from the payment of the taxes of 1860–1–2. In introducing my amendment I wish to be understood that under no ordinary circumstances would I ask special legislation for these counties, but, sir, these are not ordinary times with these counties. If I could impress upon this Convention the facts as to how these people have suffered, I believe every member here would be inclined to throw around them the mantle of charity. Until within twelve months they have been as independent as any people in the State, but within the few months past they have had their houses pillaged and burned, and they have been robbed of everything—of stock, provisions, and household goods. I know of people who have been even robbed of almost every article of clothing. Citizens have been thrown and robbed of their shoes; and, in some cases, the unfinished webs have been cut from the widows' looms, and the artificial teeth have been taken from the mouths of persons for the sake of the gold plating. I know these people are in such a distressed condition that they are unable to pay their taxes, and unless they get relief from this body, their lands will inevitably have to be sold to pay their taxes. I hope these unfortunate people will receive the favorable consideration of this body.

Mr. Comingo offered a substitute exempting the people of the above named counties from taxation for the years 1861–2, and providing for the taxation of non-residents.

Mr. Orr moved to except from taxation nearly all the counties in southwest Missouri, but was declared out of order.

Mr. Comingo. Now, sir, as I stated to the Convention the other day, this looks like an extraordinary proposition, but I have stated what is now the condition of the people of these counties, and I think every member of this Convention must admit that they are deserving of aid at our hands. I suppose every man in those counties has suffered. Now, it is a part of the contract that where people pay their taxes they shall receive protection.

Mr. Hall of Buchanan. Does the gentleman in his proposition relieve the secessionists who have been the cause of all this?

Mr. Comingo. I suppose that upon legislating upon a matter of this kind, our legislation must fall somewhat like the rains and dews of heaven, upon the just and the unjust. I cannot conceive how any measure of relief can affect one class of men without affecting all. The Almighty tells us that the sun shines upon the good and the evil. It is evident we cannot draw up an ordinance of this sort without having reference to the disloyal people who have done harm to this country. As I remarked the other day, all classes in that community have suffered, and we ask this relief as a matter of simple justice, and I trust it will be granted.

Mr. Sheeley. I represent in part a district which at one period of the history of this State was second in wealth to none outside of St. Louis. I live in a county in that district which was the second or third county in point of revenue. Now, sir, I doubt whether any county in the State stands in a much worse condition than Jackson at this time. Our negroes have been taken off to Kansas by Jennison and Lane, the great brigands of the western border. Our horses, mules, oxen, wagons, carriages, and even the false teeth of some of our citizens, have been stolen and taken away. Our district has been ruined by these men. In the county of Cass three hundred as fine dwellings as any county could boast have been reduced to ashes, and mills and houses have been burned indiscriminately all through Jackson, Bates, and Cass. I venture to say there is no citizen in that whole district who has not been affected directly or indirectly by these raids of Jennison and Lane. We have heretofore paid a large amount of revenue; but if we are forced to pay our revenue for 1861, we cannot do it. We have not even got the means to pay our individual debts. I therefore appeal to the Convention to relieve us.

Mr. Orr then offered an amendment to exempt from taxation the various counties in south-west Missouri that have suffered from the effects of the war.

Mr. Leeper moved to exempt certain counties in south-east Missouri.

Mr. Breckinridge. I would be very glad to vote for this amendment if I could, but I cannot do it. Gentlemen, I think, will see from the rapidity with which members rise one after another and propose amendments, that if this thing continues we will be in a condition presently in which the State will have no revenue at all. The people of the whole State have suffered terribly in all their pecuniary interests. There is no portion of the State in which the payment of the taxes will not be regarded as a grievous burden. I know very well the people whom I represent here, and who have been comparatively free from the distresses immediately resulting from this war, still have suffered immensely; and that many of those who have heretofore lived in ease and comfort, have been in great distress for months past. Now I do not ask relief for them, and yet there are reasons why, if relief is to be given, it should be given to them. But I do not ask it for them, and I would not ask it for them, especially now. I know it would be difficult for me or any one else to fully estimate the sufferings, losses, and trials that have been endured by the people on the western and southern borders of this State. I have no idea that any one who has not lived among that people can realize the horrors through which they have passed during the last few months. I have no doubt their condition is deplorable, and I deeply regret it. But I suggest, if we go on as we have been doing it will be impossible to fix the lines between those who deserve relief and those who do not. In a time of universal pecuniary distress you cannot properly pass upon such a measure as this. If you do, you will have no revenue at all, and it will be impossible to carry on the Government of the State. Now, I say, if it is possible, some relief should be devised for these people. The Legislature is to meet next winter; it is a body far better fitted to deal with a matter of this kind than we are. When it meets, it will be able to fix the burden of taxation; and I do not believe that in the interval between this time and the meeting of the next Legislature, any evils resulting from the forced collection of taxes will fall upon our fellow-citizens. When the Legislature meets, they can prevent legal steps being taken in such cases as have been suggested against parties who are not able to pay their taxes.

The State must have a certain amount of revenue. We have a large State debt, and the interest on that has not been paid for eighteen months. Now, then, a proposition is made to relieve the people of certain counties. If we relieve those counties of their proportion of the tax, just in that proportion we increase the burden of other counties. You relieve absolutely a portion and impose additional burdens on others. Then, again, it is absolutely necessary that the credit of the State should be sustained abroad. I imagine that our securities will cease to be as valuable, even as they are, when those who are interested in our bonds discover that, as we begin to extricate ourselves from our difficulties, we begin to diminish the only resource we have for the payment of our debts. Public confidence will be destroyed, and the State will be disgraced abroad. I desire as much as any man to see relief afforded in all cases where it is actually necessary, but I suggest that the Legislature is the proper body to consider this matter; and the delay which will occur between this time and the meeting of the next Legislature will not, unless I am greatly mistaken, work any serious harm.

Mr. Marvin. If it is to be the policy of the Convention to relieve counties in this way, I shall feel under obligations to put in the counties composing my district. Two of those counties have suffered as much as any counties in the State, and the county seats of both have been burned up. Price's army was stationed at Osceola two months, and ate out nearly the whole county. But I am not in favor of affording relief in this way. My plan would be to allow future Legislatures to afford relief. I believe all meritorious cases would be reached in this way much better than by the plan here proposed.

The Convention then adjourned.

ELEVENTH DAY.

JEFFERSON CITY,
Friday, June 13, 1862.

Met at 9 A. M.

Prayer by the Chaplain.

A bill appropriating $12,000 for the pay of members and officers of the Convention was passed.

The Committee on Finance, to whom was referred the memorial of Mr. Morrison, ex-State Treasurer, reported that it was inexpedient to legislate.

A bill appropriating $50,000 in defence warrants, for the care of the sick and wounded soldiers of Missouri, was passed.

Mr. Pomeroy presented resolutions instructing our members of Congress to procure the passage of a law to reimburse the citizens of this State whose property may have been wantonly destroyed by United States troops.

Referred to a select committee, consisting of Messrs. Birch, Dunn, Pomeroy, Marvin, and Meyer.

Mr. Hall, from the Committee on Constitution, reported a bill to classify the members of the Senate hereafter, according to the provisions of the Constitution, which was passed.

A bill to repeal an act to separate the offices of Sheriff and Collector in Washington county, introduced by Mr. Cayce, was defeated.

The bill amending the Constitution in reference to the time of holding elections was reported back from the committee, with an amendment to strike out the third Monday in October and insert the Tuesday next after the first Monday in November.

The amendment was agreed to.

The bill was then made the special order for 3 o'clock.

COLLECTION OF THE REVENUE.

The bill in relation to Assessors and Collectors, and for the payment of certain accounts, was taken up.

The question being on the amendmont offered by Mr. Orr yesterday, to exempt the counties in the Southwest from taxation,

The amendment was disagreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the gentleman from Jackson, (Mr. Comingo).

The vote was taken and the amendment was lost.

Mr. Johnson moved to insert after the word "law," in the seventh line, the words "for the years 1861 and 1862," and to strike out all after the word "taxed," in the seventh line, to the word "on," in the same line.

Mr. MCFERRAN. If the ordinance is to be passed, this amendment ought to be passed also. It would seem, sir, to be very hard to assess in those counties where there has been no assessment, and where the property has been desroyed and carried off. Now, this amendment will simply require the Assessors to assess on property that the persons owned on the first day of February, 1862. We know very well that, in some counties in this State, the people have been deprived of all their property since February 1, 1861.

Mr. ISBELL. My experience in assessing has been quite extensive, and I know it is almost impossible to get at property in that way. I think we had better say all property owned at the time of the assessment shall be taxed, and none other.

Mr. HALL of Buchanan. This is a matter of importance to the whole State at large, and I must confess I am not able to understand the subject as I would wish to before I vote. Now, I am satisfied from what has been said that we must afford relief of some sort to some portions of the State. I do not believe it is possible for the people of the Southwest, of Jackson and other counties, to pay the taxes assessed against them, and yet I do not think it right to say they shall pay no taxes at all. But we ought not to attempt to collect from them what it would be utterly impossible for them to pay. Now, if we undertake to pass this ordinance as it is, you will impose burdens upon these counties that they cannot pay, and you will take everything they have. I am not willing to exempt these people, and yet I am not willing to inflict upon them such a burden as this.

It appears to me we had better refer the whole subject to the Legislature, where it will be understood better than we can understand it.

Mr. DOUGLASS. It seems to me a cursory examination of this ordinance will satisfy every member of the Convention that it ought to be passed. The condition of the revenue requires that we should adopt some measure of this kind. The bill is not intended to be permanent. It is only intended to apply to a temporary emergency. I am informed by those who have charge of the financial department of the State that unless we adopt some measure of this kind, the finances of the State will suffer serious detriment. I have also been informed that a measure of this kind, if adopted, will save to the State many thousands of dollars every day. If it is not adopted, there will be a corresponding amount lost to the State. It seems to me the objections which have been urged against the ordinance have already been sufficiently answered. I am aware, as well as every member of the Convention, that the counties for which relief is sought to be obtained have suffered extremely, and I think they will be proper subjects of legislation hereafter, and it strikes me, Mr. President, that this relief can be as well obtained by application to the next Legislature as it can be obtained now. In the mean time, the counties alluded to will not suffer any serious inconvenience.

Mr. McFerran. I would like very much to have some action on this matter. I know, as we all do, that the State revenue is in a deplorable condition, and that it is with great difficulty that any has been collected. In some counties none has been collected at all. I suggest that we pass this amendment which has been offered. If the Convention will consider it, they will pass it without hesitating at all.

I ask the Convention to bear in mind that this ordinance only provides for such counties as the revenue was not assessed in for the years 1861–2, and especially for the year 1861. The amendment simply provides that such property only as the individual owned on the first day of February, 1862, shall be assessed. Now, sir, considering this to apply to counties where there was no assessment for the year 1861, and that it only assesses such property as a man had at that time, I would suggest that unless the amendment is adopted the bill itself will be rejected.

Mr. Hall. I move to lay the bill on the table.

The vote was taken.

Mr. Hitchcock, (in explanation of his vote). I observe that by striking out the first four sections of the ordinance we can accomplish all that is desired. The remaining sections will enable the State to receive the revenue which is now lying idle.

Mr. McFerran, (in explanation). I shall vote against laying on the table, with the understanding that the first four sections will be struck out.

The vote was announced as follows: Yeas 18, noes 47.

So the motion to lay on the table was lost.

Mr. Johnson. I withdraw my amendment, if the first four sections are withdrawn.

Mr. Comingo. I have not withdrawn my substitute.

Mr. McFerran. I move to strike out the first four sections of the ordinance.

Mr. Welch. The amendment offered by the gentleman from Daviess will result to the material injury of the finances of the State. The members of the Convention are generally aware that in very many counties of the State there has been no assessment for the year 1861 or 1862, and that under the law as it now stands there is no authority in the Assessors to be elected in August next to assess the property of the State for either of those years, and hence the assessments for those two years must fail entirely if the amendment offered by the gentleman from Daviess prevails. The first four sections were intended to embrace that class of men who have, for reasons satisfactory to themselves, removed their property from the State. Millions of property have been removed out of the State willingly and voluntarily (not stolen) by the owners, and they should be taxed for it. I insist that if this property was here on the 18th day of February, 1861, the owners are liable, under the laws of the State, to be taxed for it, even though they have, since that time, voluntarily removed it from the State.

Mr. McFerran. I desire to withdraw the amendment I have offered. I am not willing that the gentleman shall cast the odium on me of refusing to tax these men who have carried their property out of the State.

The Vice President. If there is no objection, the gentleman will withdraw his amendment.

Mr. Orr. I object.

Mr. McFerran. I will amend my amendment by moving to strike out the first three sections.

Mr. Howell. I suggest an amendment. Add, after 1861, "except such property as may have been stolen from the owner without his consent."

Mr. Welch. I have no objection to a proposition of that sort. The only difficulty that suggests itself is that there is no mode of carrying it out.

Mr. Birch. I move to amend the first section by adding, "The Assessors shall be required to make remarks on their returns of all cases that seem to demand relief." This, I think, would cover the whole ground. It would not give the Assessors power to leave out anything, but it would merely instruct them to state the cases that demanded relief, and afterwards they could give such information to the County Courts.

Mr. McFerran. I will restrict my amendment to striking out the first two sections.

The vote was taken, and the motion to strike out the first and second sections was lost.

MESSAGE FROM THE GOVERNOR.

The following communication from the Governor was laid before the Convention:

Gentlemen of the Convention:

I desire to call your attention to a subject which, in my judgment, ought to be acted upon.

The President of the United States, in a message sent to Congress during its present session, proposed the adoption of a joint resolution declaring the willingness of Congress to furnish aid to any of the slave States that may think proper to adopt a measure of gradual emancipation. The language of the resolution proposed is not quoted, but such is its substance.

The resolution was adopted by both Houses, and so becomes an offer by Congress. If we assume that it will be carried into effect by appropriations to be made by a future Congress, it is a proposition of unexampled liberality, and whatever may be the views of the members of the Convention upon the subject of emancipation, the proposition calls for a courteous response. Courtesy between Governments is as much required as between individuals.

This State has received from the Government of the United States great attention and kindness. Large armies have been maintained for our protection against invasion, and they have battled gallantly in our defence. Money has been given us by the Government to equip our own citizens for their own defence. And now a considerable number of troops of our own people are armed and subsisted, clothed and paid by the Government, in order that we may protect ourselves.

Under such treatment it would be unbecoming to pass over in silent indifference a proposition originating with the President of the United States.

Many of our citizens, and possibly the authorities at Washington, have expected that the Convention would take some action upon an ordinance containing a scheme of gradual emancipation. The Convention has acted upon an ordinance upon this subject by laying it upon the table. The course thus adopted is understood to dispose of the subject, according to your rules, for the present session, and therefore it is not now intended to propose to you to reopen and reconsider the subject. But this action of the Convention will, without doubt, be so misrepresented as to excite a hostile feeling to the State among all those in authority who favor emancipation, and thus injuriously affect the interests of the State. As no reason could be given upon the motion by which the ordinance was disposed of, the result may be represented as rudely discourteous to the President and Congress. The manifest propriety of making a response to the offer of the President and Congress affords an opportunity of removing all grounds for such an unjust and injurious imputation.

If, in the understanding of the Convention, it was not contemplated by the people when electing the body, that it should ever act upon the subject of slavery in the State, and therefore such action would be improper; or if the Convention believes that the public mind is so agitated already that the proposal of any scheme of emancipation would produce dangerous excitement, there can be no objection to assigning either as a reason for abstaining from action upon the subject, and leaving it for a different body or another time. When the reason is thus given, misrepresentation is prevented, and the proposition made by the President and Congress is so answered that there will be no appearance of a design to treat their offer with neglect.

In theory, Conventions are understood to possess all political power, but in actual practice they confine themselves to the measures upon which the people, at the time of their election, expected them to act. When this Convention was chosen, the subject before the public mind was the relations between the State and the General Government. Acting upon this subject, the Convention deposed a Governor and Legislature, because they were trying to disturb those relations; militia ordinances were adopted, because a military force was necessary to maintain those relations; the offices of all persons in office who refused to take an oath of allegiance were vacated, because official power in the hands of disloyal persons might be employed to disturb such relations; laws were vacated, because they had been passed for the purpose of bringing on a collision with the General Government. In fine, the action of the Convention has been mainly addressed to the one subject which it was elected to consider, and those which naturally arose out of it.

When, then, it is asked to entertain a proposition which is to effect a radical change in the social organization of the State, it is well warranted in declining to act upon the proposition, on the ground that the people, in choosing the Convention, never intended or imagined that the body would undertake any social revolution wholly unconnected with the relations between the State and the General Government. No person who understands the principles of our Government would object to such action, unless it be one who is willing to disregard all principle to accomplish a desired end.

If the Convention, assembled from all parts of the State, is satisfied that in the present condition of the public mind any proposition upon the subject of emancipation would produce excitement dangerous to the peace of the State, the statement of that, as a reason for declining to act upon the offer of the Government, ought to satisfy every person that such declension is not intended as any disrespect to any other body or officer.

It is not suggested that the Convention is to make any apology to any person; but as the proposition made by the Government of the United States is one which is entitled to a respectful answer, in express language, it would be very appropriate to adopt a resolution as a direct response. This need not produce any general discussion, as it need not involve the merits of the question of emancipation. It would only be an act of courtesy to the authorities of our Government, who have made a proposition which, if it ever be carried into effect, will exhibit the greatest liberality.

It is, therefore, submitted to the Convention that a resolution be adopted which shall be a response to the offer made by the President and Congress.

H. R. GAMBLE.

Mr. HALL. I move that the message be laid on the table, and 200 copies printed.

The motion was agreed to.

THE REVENUE BILL.

The consideration of the revenue bill was resumed.

Mr. SHEELEY offered the following amendment to the first section: "It shall be the duty of the county courts of Cass, Jackson and Bates to cause the property of those counties to be re-assessed for the year 1861; and only such property as may have been owned on the 1st day of February, 1862, and such as shall have been voluntarily removed out of said counties, shall be re-assessed; and the revenue of those counties shall be based on the list of re-assessment."

There are two counties in my district which have been assessed for the year 1861, and the books are in the office of the County Clerk, but a large amount of that property has been stolen from us. If a gentleman has taken his property out of the State voluntarily, I do not propose to relieve him, but only those whose property has been taken from them without their consent.

Mr. ALLEN. I have a proposition which I think will meet the case and make it more general. Add to the first section: "and that the county court be authorized, as a court of appeals, to investigate the tax book; and on satisfactory evidence of the amount of property stolen, the said amount so assessed shall be erased from the tax book."

Mr. SHEELEY. That will not reach my counties, because the court of appeals for this year is closed.

Mr. MATSON. I move to strike out Jackson, Cass, and Bates, and let it apply to the whole State.

The motion was agreed to.

Mr. COMINGO moved to amend the amendment by striking out all after the word "shall," and insert "assess all property owned by the tax-payers of these counties on the 1st day of February, 1862, and on such assessments shall be levied the taxes for 1862."

Mr. SHEELEY moved the previous question.

The motion was not sustained, and the further consideration of the bill under the rules was postponed until to-morrow.

ELECTIONS IN CERTAIN COUNTIES.

The bill in relation to holding elections in certain counties was taken up.

Mr. SHACKELFORD of Howard moved to strike out the first five sections. The motion was lost.

Mr. BIRCH moved to perfect the section by inserting in the fourth line of the first section the word "townships" instead of "precincts."

The amendment was agreed to.

Mr. BIRCH moved to further amend by inserting after the word "polls," in the fifth line, the words "which shall be at the same place, as near as may be, as the elections were authorized to be held for members of this Convention." The amendment was adopted.

Mr. Douglass moved to insert after the word "and," in the fourth line, the words "a majority of." The motion was agreed to.

The Convention then adjourned to 2 o'clock P. M.

AFTERNOON SESSION.

On motion of Mr. Breckinridge, the message of the Governor was referred to a special committee consisting of Messrs. Breckinridge, Douglass, Doniphan, Orr, and Howell, with instructions to report such response as may be deemed proper in reference to the proposal of the scheme for gradual emancipation by Congress.

Mr. Hitchcock offered the following:

Whereas, the Congress of the United States, upon the special recommendation of the President, has at its present session adopted a joint resolution in the following words, to wit:

"*Resolved*, That the United States ought to co-operate with any State which may adopt a gradual abolishment of slavery, giving to such State aid to be used in its discretion to compensate for the inconvenience, public and private, produced by such change of system."

And, Whereas, the President of the United States, in his recent order revoking the proclamation made by General Hunter, has earnestly invited the people of the slave States to the consideration of that resolution; be it, therefore,

Resolved, That in the opinion of this Convention, the proposition contained in that resolution is entitled, as well from its exalted source as from its intrinsic importance, to the deliberate and respectful consideration of the people of Missouri.

Resolved, That while a majority of this Convention have not felt authorized to take action with respect to the grave questions presented by said resolution, yet this body desires cordially to recognize the generous spirit therein displayed, as well as the eminent patriotism of the President of the United States in his effort to put down this rebellion and restore peace to this State.

THE ELECTION IN CERTAIN COUNTIES.

The bill in relation to the election in certain counties was taken up.

Mr. McFerran moved to amend by inserting: "That the judges and clerks of elections shall be subject to the penalties prescribed by the existing laws."

The motion was agreed to, and the bill was then passed.

CHANGING THE TIME OF ELECTIONS.

The bill changing the time of holding the State elections was taken up.

The amendment to strike out the words "the third Monday in October," and insert "the Tuesday next after the first Monday in November," was agreed to, and the bill was then passed.

Mr. Doniphan moved to reconsider the vote and to lay that motion on the table. The motion was agreed to.

The bill in relation to the Register of Lands was called up, but without being acted upon, and on motion of Mr. Howell, was laid on the table.

The bill for the payment of Division Inspectors was taken up.

Mr. Birch moved to amend the first section after the word "militia," in the third line, by inserting "at the rate of three dollars per day, together with personal expenses, during the time they were actually employed in mustering troops into the service of the State.

Mr. Hall. I move to amend the amendment by inserting the words "raising and," before the word "mustering."

The amendment to the amendment was agreed to, and the amendment was then agreed to.

Mr. Phillips moved to add to the first section as follows: "*Provided*, that such Inspectors were not, at the time of such service, receiving pay otherwise as an officer of the militia."

The amendment was agreed to, and the first section, as amended, was passed.

Mr. Douglass moved to amend the second section by inserting after the word "service," the words "and such other claims growing out of the service of the State." The amendment was agreed to.

Mr. Birch moved to amend the same section by adding the words "and the commissioners so appointed shall also inquire into and report upon all claims for military service purporting to have been rendered before the claimants were regularly organized into the service of the State, whether for want of an Inspector or otherwise; and such sums as may be found due to such claimants, *according to the very right of* *the case*, shall be so certified to the Governor, and, if approved by him, shall be paid by the paymaster or the assistant paymaster of the Missouri State Militia."

The amendment was adopted.

Mr. **Hall** of Buchanan, in order to make the provisions of the bill correspond, moved to strike out the word "Quartermaster," in the second line, and insert the word "Governor." Agreed to.

Mr. **Vanbuskirk** moved to amend by inserting after the word "militia," in the second section, the words "or any horses lost by the soldiers prior to their having been appraised." The amendment was lost.

The second section was then agreed to.

Mr. **Phillips** moved to amend the third section by striking out all after the word "distribution," in the sixth line. The motion was agreed to.

Mr. **Hall** of Buchanan offered a new section that all payments shall be in defence warrants. Agreed to.

Mr. **McFerran** moved to add a new section, as follows: "This ordinance shall be in force from and after its passage, and may be repealed at any time by the General Assembly of this State."

This section was agreed to, and the bill was then passed.

Mr. **Hall** of Buchanan offered the following:

Resolved, That the existence of this Convention shall terminate on the 1st day of March, 1863; and, in the meantime, shall be subject to be called by the Governor, if in his opinion the public exigencies shall require.

Resolved, That this Convention will adjourn at 11 o'clock A. M.

Mr. **Breckinridge** offered a substitute as follows:

Resolved, That when the Convention adjourns it adjourn to the 4th of July, 1863, when it shall, without assembling, stand adjourned *sine die*, subject, however, to the call of the Governor.

Mr. **Orr** moved to lay the resolution and substitute on the table. The motion was lost.

The substitute was then agreed to.

Mr. Hendricks introduced a bill supplementary to the ordinance defining the qualifications of voters, providing that the ordinance should cease to have effect after 1864.

Mr. **Hendricks**. Mr. President, I voted for the ordinance, the first section of which excludes persons who have taken up arms against the United States from voting at elections, believing when I did so that a limit would be prescribed to the period of their exclusion, and proposed an additional section for that purpose. But it was deemed too indefinite as to time, and was rejected.

Still believing that for prudential considerations it yet should be done, I have introduced this supplementary ordinance for consideration, to limit the restriction imposed upon voters to the last day of July, 1864; and I propose very briefly to give the reasons by which I was induced to vote for the adoption of the ordinance, and also my reasons for proposing to limit the restriction so that it shall continue no longer than the reason for it exists, by showing their compatibility with the powers and duties of the Convention, as indicated by the preamble to the Act of the General Assembly calling the Convention and the specific provisions contained in the body of the Act.

In the humble part that I have taken in the deliberations and proceedings of this body, I have always had an eye to the object and purposes for which the Convention was called —that is, to consider the existing relations between the Government of the United States, the people and Government of the different States, and the Government and people of the State of Missouri, and adopt such measures for vindicating the sovereignty of the State and the protection of its institutions, as shall appear to them to be demanded. Beyond that we have no right to go, and if we do our action is void.

This restriction, like every other measure to restrain persons whose minds have been bent upon severing our connection with the Federal Union, is not intended as a punishment for treason; nor do I suppose any gentleman here entertains any such motive. The laws of the land have fixed the punishment for treason, and for all the purposes of criminal jurisprudence that is sufficient. Our business is not to punish offenders against the Government and supremacy of the laws, but, in pursuance of the call of the Convention, to adopt such measures to vindicate State sovereignty and protect State institutions as the interest and welfare of the State require.

It was not intended to inflict a punishment for treason when the Convention, in July, deposed the Governor, Lieutenant Governor, Secretary of State, and members of the General Assembly, and in October adopted measures for the deposition of all rebellious and disloyal officers in the State, and now impose restrictions upon persons who have taken up arms against the United States in the exercise of the elective franchise. But it was the action of an organized community of free and sovereign people in Convention assembled, rising up in a case of extreme necessity for self-protection and self-preservation, in accordance with the great principle of popular sovereignty as the basis of our peculiar structure of government. It was the sovereignty of the people defending itself by means both legitimate and indispensable, and therefore within the scope of our jurisdiction.

For exemplification I lay down these propositions as fundamental truths:

First. That the true relation of a State to the United States is that of inseparable and perpetual unity.

Second. That this unity of Government was one of the contemplated objects in the formation and adoption of the Federal Constitution as not only proper, but absolutely necessary and indispensable to the maintenance and protection of the State sovereignty and State institutions.

Third, That every citizen, and particularly every officer of the State, is bound to observe and maintain this relation, by all legitimate means, with unyielding integrity.

Whenever, therefore, the executive, legislative and judicial functionaries of a State become to be unmindful of this relation, and their sworn obligations to observe it, and, in disregard to the will of the people whose servants they are, continue to use their official stations as engines to sever the connection of the State with the United States, and thereby endanger the sovereignty and institutions of the State and the public welfare, the people, who hold the reins of government in their hands, have the right to rise up, and, in the exercise of their inherent and inalienable sovereignty, to depose those unfaithful public servants and appoint others in their stead.

I need not here repeat what has been said a thousand times, and which everybody now knows to be true, that it was for just such conduct as I have mentioned that this Convention deposed the Governor, Lieutenant Governor, Secretary of State, and members of the General Assembly, in July, and afterwards in October adopted measures for the deposition of all rebellious and disloyal officers in the State. It was not to punish them, but to prevent them from overthrowing the sovereignty of the State and its institutions, by forcing the State out of the Union, against the will of the people and the supreme law of the land, by means of military coercion. In accordance with the laws of self-protection and self-preservation, the people snatched the power they had delegated to unfaithful men out of their hands and placed it in the hands of more faithful ones.

It is now for the same motives and for the same purposes we impose restrictions on persons who, by taking up arms against the United States, manifest their co-operation with the public enemy of the Government, and desire to overthrow it. Not in malice, not in revenge, for we know that many are deluded by falsehood and deception, and deserve our sympathy, but for the preservation and perpetuation of our relations with the United States, the restoration of peace and harmony among ourselves, and the promotion of the best interests and highest happiness of humanity on earth.

The supremacy of the Government must be vindicated by every legitimate means in our power. Dear as I value the elective franchise as one of the inestimable rights of an American citizen, it must be restricted for adequate cause when the safety of the Government demands it. I believe the necessity for the restriction exists at the present time, and therefore I voted for it. During the present rebellion disloyal men should not hold office, nor disloyal and rebellious men exercise the elective franchise. The safety of the country forbids it.

But for prudential considerations we ought to fix a limit to the period of this restriction. Whenever the necessity for it ceases, the restriction should be removed. To perpetuate the restriction after the cause for it no longer exists, would be an infliction of punishment, which is not our province. And to prove to them we do not hate them, but that our desire to see them return to their loyalty, and assume the high privileges of American citizens, and stand with us side by side as they once did, on terms of social and political equality, let us remove this restriction as soon as possible consistent with safety, and invite our erring friends to meet us with open arms and fraternal hearts.

A different sentiment from this is not, in my humble opinion, the true Union sentiment. We should not entertain, but disavow the disposition to hold them by subjugation and humiliation, incompatible with the character of American citizens.

I have heard some gentlemen express the opinion that this ordinance is an *ex post facto* law. If so, it is null and void, for we have no authority to adopt measures above and beyond such as are necessary to carry out the purposes for which we were called. The authority of the General Assembly to call this Convention or to prescribe its powers, is not the question. The people, who are sovereign, responded to the call, and made it their call, and therefore it is our authority and the only authority we have for everything we do. To punish rebels for treason is beyond our jurisdiction. To restrain them in the exercise of the elective franchise as a necessity for the vindication of State sovereignty, and for no other purpose, is legitimate; but to perpetuate the restriction beyond the time when the necessity exists, is to punish them for treason. We have no right to do that. I would not have voted for the ordinance as a measure of vindictiveness.

A resolution for the payment of the official reporter was introduced and adopted.

Mr. Hitchcock introduced resolutions instructing the Committee on Printing to procure the printing of the ordinances passed by the Convention in "pamphlet form;" also the printing of the proceedings of the Convention at no higher rates than heretofore.

Mr. Phillips moved to amend by instructing the Committee on Printing to contract *with George Knapp & Co., for the printing.*

Agreed to and the resolutions were then passed.

THE COLLECTION OF THE REVENUE.

The bill relating to Assessors and Collectors, and providing for the payment of certain accounts, was again taken up by mutual consent.

The first section was finally perfected so as to read as follows:

Section 1. That in all counties in this State where the Assessors thereof shall, from any cause, have failed to assess the taxable property therein for the years 1861 and 1862, or either of them, as required by law, the assessors hereafter appointed shall, in separate books to be prepared as other tax books, proceed to assess all property made taxable by law, and which was owned by the person to be taxed on the first day of February, 1861, and on the first day of February, 1862, and return the same to their respective County Courts in the same manner and at the same time as now required by law for the tax books for the year 1863, and the Assessors shall be required to make remarks on their returns in all cases which seem to demand relief.

The remaining sections were then agreed to and *the bill was then passed.*

The Convention then adjourned to 9 A. M. tomorrow.

TWELFTH DAY.

Jefferson City,
Saturday, June 14, 1862.

The Convention met at 9 o'clock.

Prayer by the Chaplain.

INSTRUCTIONS TO OUR CONGRESSMEN.

Mr. Pomeroy, from the Select Committee to whom was referred the resolutions in relation to the wanton destruction and removal of property in this State by the officers and soldiers of the Federal army, reported back resolutions instructing our Congressmen to secure the passage of a bill by Congress for the liquidation of all claims of the citizens of the State of Missouri that may be found to have originated from the destruction or removal of property by certain officers or soldiers of the United States, or by persons engaged in a war against the United States.

The resolutions were adopted.

THE GRADUAL EMANCIPATION PROPOSITION.

On motion of Mr. Smith of St. Louis, it was resolved that no member should speak longer than five minutes.

Mr. Breckinridge, from the Select Committee to which was referred the message of the Governor recommending some action in reference to the proposition of the Congress of the United States concerning Gradual Emancipation, reported that the Committee had been unable to agree, but that a majority of the Committee had agreed to report the following resolutions. The majority of the Committee onsisted of Messrs. Breckinridge, Orr and Douglass.

Whereas, the Congress of the United States, upon the special recommendation of the President, has, at its present session, adopted a joint resolution in the following words, to wit:

Resolved, That the United States ought to cooperate with any State which may adopt a gradual abolishment of slavery, giving to such State aid, to be used in its discretion, to compensate for the inconveniences, public and private, produced by such change of system.

Be it therefore,

Resolved, That in the opinion of this Convention the proposition contained in the said joint resolution adopted by Congress and approved April 10, A. D. 1862, is entitled, as well from its eminent source as from its intrinsic importance, to deliberate and respectful consideration.

Resolved, That while a majority of this Convention have not felt authorized to take action with respect to the grave and delicate question of private right and public policy presented by said resolution, yet this body desires to recognize the liberality displayed by the Government of the United States, and to express its profound appreciation thereof.

Resolved, That the Governor be and he is hereby requested to transmit copies of the foregoing resolutions to the President of the United States, and to the presiding officers of the Senate and the House of Representatives.

Mr. DONIPHAN. The committee met yesterday and again last night, and we were unable to agree. The resolution offered by the distinguished gentleman from St. Louis (Mr. Hitchcock), that this Convention had referred to the committee, was before us; I availed myself of some resolutions prepared by a very distinguished member of this Convention, which will probably be laid before the Convention this morning and which I prefer. I remained with the committee from 7 until 11 last night, and we could not agree. This morning I have seen the report of the majority at too late a period to prepare a minority report, but that is not the fault of the chairman of the committee by any means. He showed them to me very cheerfully as soon as I saw him, but he was hunting me and I him, and in this way we did not happen to meet. I rise, therefore, for the purpose of saying that I dissent from those resolutions, and that I prefer the resolutions that probably will be offered.

Mr. HOWELL. I desire to remark that I was also unable to concur in the report which has been presented by a majority of the committee, but as our labors were rapidly drawing to a close, and as I was not disposed to detain the Convention, or to present anything here that might probably get up agitation in a body which in my opinion has no jurisdiction over this matter, I have not prepared any minority report, or presented any counter resolutions, and will content myself at the present time with simply remarking that the report does not receive my concurrence.

Mr. STEWART. I offer the following as a substitute:

Whereas, the rebellion, inaugurated professedly in behalf of the institution of slavery, has greatly diminished the number and value of slaves in Missouri, and has produced a condition of things tending inevitably to the virtual extinction of slavery in our State not many years hence, by putting an end to the immigration of slaveholders with their slaves within the State, and by rapidly hastening their removal previously commenced to a more Southern and congenial clime; and,

Whereas, many other interests of our State have by the same general causes been brought into a languishing condition, and the revenue of the State so diminished as to utterly degrade its finances, and to threaten to engulf us in hopeless bankruptcy; and,

Whereas, as a measure of relief, we must depend in a great degree upon immigration and the introduction of capital, and the various industrial enterprises that shall develop the vast natural resources of our State; and,

Whereas, our only hope for future immigration is in the non-slaveholding classes of this and foreign countries, whose prejudices against the institution of slavery will continue in a great measure to cause them to shun this State while they have doubts of its ultimate extinction; and,

Whereas, further, the President of the United States has recommended Congress, by a resolution endorsed by that body, to extend the aid of the General Government to all such States as shall adopt a system of gradual emancipation; and,

Whereas, this Convention, regarding the ultimate and general prosperity of our State as of more importance than any special interest, and believing that the only question which Providence has left for our people to decide in regard to slavery, is to the manner and terms upon which its extinction in Missouri shall be accomplished; therefore, *Resolved*, That the subject of gradual emancipation be recommended to the consideration of the people as a means by which slavery can be removed from the State with the least possible inconvenience, and with the least injury to those immediately interested.

Mr. Ray. I move to lay the resolutions and substitute on the table.

The motion was lost.

Mr. Birch. (In explanation of his vote.) As I think the message of the Governor is entitled to a special response from this body, in reference to the proposition made by the President and Congress, I shall vote no, in the expectation that we shall get something different in the way of a response from the resolutions proposed by a majority of the committee.

Mr. Stewart. (In explanation of his vote.) I vote against laying on the table. I have offered my substitute more to give my own views on the subject than anything else, and in order that the people of the State may know my precise opinion on the subject. I do not think there is any necessity for the Convention to pass resolutions in order to satisfy the people of the North that we occupy a position one way or the other. I suppose they are smart enough to find it out anyhow. I do not believe in exciting discussion, neither do I believe in the propriety of saying that this Convention shall pass a resolution without discussion, in order to satisfy the people of the North that we did not treat the President disrespectfully. In voting down the resolution here the other day, it was no insult whatever. I suppose it is a matter the President has nothing at all to do with. I suppose we had a perfect right to offer that resolution and to vote it down. I presume, in all probability, I should not have voted for that emancipation bill, but at the same time I believe the people of Missouri should extinguish slavery, and I believe further that the rebels have put it in a speedy course of extinction. In this unholy war which has been brought upon us by the leading conspirators of the State, they have themselves torn down their own pet institution, so that at this day it is utterly worthless. No slaveholder will come here with his slaves hereafter. On the border, to-day, I know slaveholders who are giving their slaves passes to go to Kansas, and anywhere else, because they know they will run away anyhow. I say that the besom of destruction and war has desolated our fields, burned our houses, stolen our property, bankrupted the State, and ruined the institution of slavery; and in order to regain our former position, we have got to depend upon immigration—not that class of immigrants who have come to this State heretofore with their slaves—they will not come because it won't pay—but we have got to depend on another class, who have prejudices against the institution of slavery, and who will not come because it is here. It leaves us standing, therefore, without any immigration at all. The institution is nothing but a shadow. It has been virtually killed by the leaders of the rebellion, and I say ~~it is~~ proper for the people of the State to devise some plan by which the immigration of non-slaveholders can be secured. I think it is time that the people of the State should calmly and deliberately think over the question, and look at it in a financial and moral point of view with reference to their own interests and the interests of the State. It is with this view that I offer my substitute.

It not only embodies my views, but I believe the views of a majority of the people of the State. I believe it is morally necessary that the slaveholders should consider this matter at once, because, if this rebellion is carried on much longer, a blow will be struck by the General Government that will take the niggers anyhow. I am opposed to that, and I am opposed to this prejudice which has governed us for so many years, to such an extent, that no man could speak upon the nigger at all without being called an Abolitionist or a Yankee, and every foreigner was viewed with suspicion because they said he was against the institution of slavery; but now these same foreigners have got the guns in their own hands, and they are fighting bravely for the institutions of Missouri.

Mr. Zimmerman. Mr. President, the gentleman's time is up.

The President. He has half a minute.

Mr. Stewart. Well, then, if I have a half a minute, or a quarter of a minute further, I will state that I intend to do all I can to induce the people to take up this subject. I will advocate it with the pen, on the stump, and everywhere else.

Mr. Birch. Instead of replying to the gentleman from Buchanan, by reading a portion of his last annual message, I will, in order to ~~avoid all excitement and debate~~, move the previous question.

Mr. Hall of Buchanan. That will cut off all amendments.

Mr. **Birch**. Well, then, I will withdraw the motion.

Mr. **Orr**. If I had not been placed upon the Committee I would not open my mouth. I voted the other day to lay the proposition of Mr. Breckinridge on the table from no disrespect to him or any one else, but from the fact that I believed it would bring agitation into this body, and perhaps divide the Union party and weaken the Union cause, at a time when we are unable to lose any Union strength. That was all. I am unable to see why we are under any obligations to the President of the United States, the Congress of the United States, or the Governor of the State of Missouri, to comply with their wishes at this time; but this body having respectfully considered a proposition made by a traitor from Georgia, at the first session of this Convention, asking us to dissolve this Union—I say we respectfully heard him and considered his proposition; and when I say that, I mean this body, for I did not vote for anything of the kind, and did not believe it was right. I think it is now proper we should consider the proposition made by the President. I will say, however, that I believe it was the greatest blunder of his life, but I believe he did it from the best of motives to the people of the slave States; still it was untimely and uncalled for, in my opinion. The committee were required to reply to that proposition, and in a respectful manner we have replied to it, and have notified the President and Congress that we do not think it proper, at this hour, to take action upon the subject; and now, as to whether you will pass our recommendation, or that of somebody else, it is for you to determine. There was but one solitary word in that report that I had the least objection to. I was willing to say that it was a liberal proposition for Congress to offer to pay for the slaves if we desired to get rid of them. They do not propose to force us to rid ourselves of them. I agree with the report that it is a liberal offer. The word *appreciate*, however, I objected to, because some might construe it that we endorsed the proposition; but, on mature reflection, I came to the conclusion that it had no such meaning, and therefore I consented to the report and it became a majority report. Now, it is for this body to take what action they think proper upon it. You can vote for some other proposition if you choose. I have only done what I believed to be my duty. I have agreed to the report and expect to vote for it.

Mr. **Stewart**. In order to obviate any particular excitement here, I will withdraw my resolution, if I can have it spread upon the record.

The **President**. It will go upon the record as a matter of course.

Mr. **Hall** of Buchanan. I wish to offer a substitute for the resolutions reported by the majority of the committee:

The Convention of Missouri, in response to the message of Governor Gamble with reference to the message of the President of the United States and the resolution of the Congress of the United States, adopt the following resolution:

Resolved, That while this Convention recognize the patriotic motives of the Government of the United States in the action referred to, yet the Convention think it should not act on the subject of emancipation, for the following among other reasons, as expressed by Gov. Gamble:

"When this Convention was chosen, the subject before the public mind was the relations between the State and the General Government. Acting upon this subject, the Convention deposed a Governor and Legislature, because they were trying to disturb those relations; military ordinances were adopted, because a military force was necessary to maintain those relations; the offices of all persons in office who refused to take an oath of allegiance were vacated, because official power in the hands of disloyal persons might be employed to disturb such relations; laws were vacated, because they had been passed for the purpose of bringing on a collision with the General Government;—in fine, the action of the Convention has been mainly addressed to one subject, which it was elected to consider, and those which naturally arose out of it. When, then, it is asked to entertain a proposition which is to effect a radical change in the social organization of our State, it is well warranted in declining to act upon the proposition, upon the ground that the people in choosing the Convention never intended or imagined that the body would undertake any social revolution wholly unconnected with the relations between the State and the General Government."

I agree with my colleague in the opinion that our action in laying on the table the proposition of the gentleman from St. Louis could not properly be construed as discourteous to the President or Congress of the United States. And I agree further with my colleague, in regretting that the Governor of the State thought it proper to send to this Convention this message of yesterday; but, sir, the Governor, for reasons entirely satisfactory to himself, has sent us a message, and it now becomes our duty to treat it with proper respect. It appears to me it would be far better to adopt the substitute I have offered than the original report of the committee. It appears to me, sir, that the report of the committee is an endorsement of the proposition made by Congress. I believe the country will so understand it, and I cannot endorse that proposition, because I think it is wrong. As I believe it is wrong in principle, and will work badly in practice, I repeat, I cannot endorse it; but, at the same time, I am willing to do everything I can, consistently with my views of duty, to treat the President of the United States, and all his propositions, with the utmost respect. I consider that the people of the State owe the President and Congress of the United States a debt of gratitude which it will be difficult for them ever to repay; but for the President and Congress of the United States, every Union man in the State would now be an exile; their property would be taken from them, and they would be beggars and wanderers. I believe we are here now because the President has protected us, and I believe we are in the enjoyment of our rights at this moment because the President of the United States has done his duty, and I am not willing to do anything which could wound the feelings of that great and good man. But, still, I cannot go to the extent to which the majority of the committee advise us to go.

Mr. Breckinridge. I am glad, Mr. President, to hope from the spirit manifested thus far that what will be said on this subject will be said in all kindness and without undue excitement. I have no disposition, certainly, to say anything that will excite feeling or strife. The gentleman from Buchanan (Mr. Hall) regrets that the Governor has, by his special message, brought this subject before the Convention. I widely differ from the gentleman. I rejoice that he has done so. Now, sir, in reference to this, I will only say that, while I have had no conference with the Governor on the subject since the introduction of the ordinance concerning emancipation by me the other day, I have no doubt he has good reasons, in addition to the intrinsic merit of its suggestions, for having made the recommendations contained in this special message. No doubt he would have made these suggestions in his message at the opening of the session if he had at that time thought them proper or necessary; and the fact that he makes them now, shows that he has motives for so doing that did not then exist, or that further reflection, or subsequent occurrences, or both, have worked a change in his opinion.

I have several objections to the substitute of the gentleman from Buchanan. In the first place, it is in bad taste for this Convention, in response to a message from the Governor, recommending particular action to cut out a portion of his communication, and thus respond to his suggestions in his own language, and use it in the way here proposed. As a mere matter of taste, the Convention should use its own phraseology, and surely should not cast back upon the Governor the very words he has just addressed to it.

In the next place, I object to it because it argues the question, and almost apologizes for the action taken the other day. While I thought, and am daily confirmed in the opinion, that the Convention erred exceedingly in that action, I think it is not desirable for us to say anything in these resolutions as an apology for what was done on that occasion. I object again, sir, because much as I respect the Governor, even if it were in itself proper to adopt his own language, I do not concur in the sufficiency or accuracy of the reasons assigned for non-action; and indeed I do not understand the Governor to give them as his own reasons, but to speak of them as reasons which may exist, or be assigned by this body, if it should make a certain response and should deem them proper. But, however this may be, I cannot consent by my action to place the Convention in a position inconsistent with itself, as would, in my judgment, be done by the adoption of this substitute. We have had before us, and we have acted upon, divers things not necessarily connected with the especial business for which we were elected, or arising therefrom. The argument is this: that because we were elected for a special purpose, and have confined our action *mainly* to it, therefore we should take no action on this question, because it is no part of the business for which we were elected. The use of the qualifying word "mainly" is fatal, of itself, to the argument; and, indeed, the subject of this communication is directly and necessarily connected with the very matters we were elected to deal with. But, waiving this, the fact is within the knowledge of all of us that we have done many things which we were not elected to do, and which are not necessarily connected with the special matter we were called to deal with. Even yesterday, we passed laws in regard to the revenue and assessments, having no connection with the questions concerning the relations existing between the State of Missouri and the General Government. I am not willing that the Convention, in addressing the President, the Congress, and the world—for our response to the propositions of the Government will be widely read—should run the risk of being supposed to have indulged in such inconsistency—of being ignorant of its own past action—and of being willing, in dealing with matters so important—when to be uncandid is to be disgraced—to assign reasons for its course which its own daily action and its record prove untrue.

There is great force in the remarks of the gentleman from Greene. When that emissary of treason came bearing to us from the State of Georgia, at our first session in February, 1861, solicitations to join her in her evil courses, we gave him a respectful hearing, (not by my desire or vote I beg you to remember,) and now when this body is asked to give a respectful hearing and a courteous response to a proposition emanating from the President and Congress of the United States, so marked by liberality and evidences of an earnest desire to save us from loss, gentlemen who claim to be loyal hesitate, deplore the introduction of the topic by the Governor, who could not do his duty and avoid it, and measure and weigh and criticise words lest they should respond too courteously. This body did respectfully consider the treasonable proposition coming from the State of Georgia; yet, now, gentlemen seem unwilling to give any deliberate consideration, or any respectful response, to a proposition coming from the President and Congress of the United States, made for no selfish reason, but prompted by their judgment as to our best interest and that of the whole country,—coming from those, who, as the Governor in his message says, and also the gentleman from Buchanan admits, have so protected and defended us against the deadliest assaults,—that it is to them, under God, we owe our prosperity, our homes, our liberty, and our lives. Gentlemen are familiar, sir, with my views on this whole subject, and know what plan would be adopted if they could prevail, and I need, therefore, hardly say that the resolutions I have reported from the majority of the committee do not reflect my wishes fully; but I have yielded much for this purpose to meet the views of others, and only ask—what? That they—this body—should now endorse emancipation. Not at all, sir. That the subject shall be agitated? Not at all. But that, since the President and Congress appeal to us to take some action on this subject, and proffer aid to enable us to do so, and since, no less the Governor's recommendation than a proper sense of duty and courtesy, demand an answer, we shall respond, that propositions thus presented are entitled to respectful consideration, and that while the majority of this body have not felt authorized to take action upon them, they desire to express their high appreciation of the generous spirit in which they are made. The Governor expresses his estimate of the offer made by Congress in much stronger terms than are used in the resolutions proposed by the committee. His language is, that the proposition of the President and of Congress, if carried into effect, would be one of "unexampled liberality." [Time up.]

Mr. **Doniphan**. Having been one of the members of the committee, Mr. President, I feel it my duty to present my views briefly, as I will have to do, to the Convention. My opinion on the slavery question need not be discussed. I have no explanation to make on that subject, and have no record now to produce. The resolutions offered by the gentleman from Buchanan are the same I referred to before, but they were altered in this. They before conformed to my opinion on the subject substantially, and only substantially. These resolutions, as I presented them to the committee, while not recognizing any right of the President—which he does not claim at all—to interfere with the subject of slavery in the States, nevertheless admitted the proposition made by the General Government as liberal in the extreme to all those States that choose to emancipate their slaves. I believe it is a right that the people have everywhere—of course it is purely domestic and purely local—to take that subject into consideration. I have nothing to say against the General Government recommending whatever they please on that subject. This is done in a spirit of liberality, and they do not ask us to embrace it. It is a matter left entirely to the State. The gentleman from Buchanan has put in "patriotic motives" instead of a "spirit of liberality." I do not think this change corresponds exactly with my ideas of responding to the proposition made by the Government. My idea is that it is liberal.

Mr. **Hall** of Buchanan. I made the change because it seemed to better satisfy some of the members of the Convention. I have now changed it back.

Mr. DONIPHAN. I will not discuss that matter further. My friend from St. Louis differed with me on a committee as we differ in the Convention. It has been argued that we have mainly confined ourselves to legislation on subjects relating to our connections with the United States and this rebellion. Well, I admit that to be the fact, but I proposed the other day that this body should form itself into a legislative body, and I believed that the safety of the State would be better secured by the action of this Convention than by any other body; but the proposition was *repudiated*, and gentlemen declared we were wholly unfit for it—that we were not elected for that purpose—and we were told by the gentleman from Daviess, (Mr. McFerran,) for whom I have the greatest respect, that it was sheer cowardice on my part to make such a proposition. The Convention, then, has deliberately decided it would not legislate.

Now, Mr. President, we have in the first place raised troops for the war—that was with the idea of the rebellion. We have displaced a disloyal Governor, and have substituted a loyal one—that was with an eye to the rebellion. In view of the expenses incurred by the Provisional Government in calling soldiers into the field, we have passed a revenue law for the purpose of paying expenses; and for the purpose of preventing the currency with which they are paid from depreciating, the revenue bill to which the gentleman refers was passed, with a view to the rebellion. It is substantially as much a war measure as any passed by this body. The sinews of war are men and money. Money is as essentially a sinew as men, and these are absolutely necessary to keep up the Provisional Government, and to meet the expenses that the Governor has incurred in calling out the militia of the State, which amounts to a million of dollars, as I am told by the Lieutenant Governor.

Now, Mr. President, I know of nothing else on which we have legislated of any importance at all, except the subjects that are legitimate to this rebellion. What are the resolutions of the gentleman from St. Louis? They do not offer to change the relation of master and servant. They do not inaugurate a system of emancipation, or tell the President they are willing to favor it. They do nothing more than this latter resolution, as far as I can see. I prefer, however, the phraseology of this, because it does not give so *cordial* an endorsement of the recommendation of the President. [Here the hammer fell.]

Mr. MCFERRAN. I was not intending to say a word in the discussion on the question now before the Convention. As, however, the distinguished gentleman from Clay (Mr. Doniphan) has alluded to the debate the other day, and as I conceive he has wholly misunderstood the argument then made, I desire to say to that gentleman, and to the Convention, that I did not charge that gentleman, or any other member of the Convention, with cowardice. Not at all. I did say, however, in that debate, that to shift the responsibility from the Convention to the Governor, and to impose upon him the duty of ordering an election, did manifest a want of moral courage that the Convention should not indulge in. I made no application whatever to the gentleman from Clay any more than to any other gentleman, and I am sorry if the gentleman understood me as making any application personally to him.

Mr. DONIPHAN. I did not understand the gentleman as charging me with a want of physical courage, although he may have done it; but I am willing to take the gentleman's explanation that he charged me with a want of moral courage to meet an exigency.

Mr. MCFERRAN. I made no charge to the gentleman that he did not make to the Convention. The proposition was that it lacked the moral courage which I thought the Convention should manifest.

Mr. DONIPHAN. That is all satisfactory.

Mr. STEWART. I object to that substitute upon the same grounds that I object to the proposition laid down in the Governor's message. In one part of that message he recommends that no agitation be raised on the subject. The presumption is that the Governor wishes his own peculiar views to be carried through this Convention without any discussion; and yesterday, when my honorable colleague (Mr. Hall) proposed to print the message, and to adjourn at 11 o'clock to-day, I asked him distinctly the question if that was intended to cut off all debate on the proposition. I believe if that resolution had carried, I should not have had my rights upon the subject. I am opposed in toto, not only to the Governor's message, but to the substitute offered by the gentleman from Buchanan.

Mr. MARMADUKE. I regret, Mr. President, and deeply regret, sir, that I conscientiously feel called upon again to intrude my views before the Convention; but I would feel, Mr. President, that I was clearly negligent of the duty I owe myself, as well as my constituents and the people of Missouri, were I to remain silent under the circumstances that now surround me. Mr. President, it is particularly painful for me to feel and know that my voice, raised in the advocacy of any measure on this floor, is like the blasting breath of the simoon, or still more like the noxious malaria that rises from the tropical swamps, or like the deadly Upas that kills, decays and blights everything it touches.

But, Mr. President, I feel that the Governor of the State of Missouri, in bringing this question before the Convention, has committed an impropriety which it is right and proper, and my duty on this floor to expose. The question, sir, springs upon this Convention, not like Minerva from the head of Jove, but like Phœnix from its own ashes, it raises its head here once more.

Mr. President, the question has once been settled. It came up fairly, squarely and properly before this body, and we listened to a speech of an hour's length from the distinguished, able and eloquent gentleman from St. Louis. The question, I say, was fairly and squarely brought before this body; but, sir, this Convention, in the full deliberation, and the full conviction of its sense of duty, not only disposed of it, but, in my humble opinion, disposed of it in conformity with the views of a majority of the people of the State; and yet it comes again before the Convention, not in the morning of its life, nor in the mid-day splendor of its glory, but in the wee small hours of its existence, when its life has been nearly spent.

Sir, I sincerely hope and believe that every member on this floor sufficiently appreciates the patriotism and exalted ability with which the President of the United States has discharged his duty to the people of Missouri. I believe we all sufficiently appreciate the service he has rendered us in driving the invader from the State; but I do not believe, because we have that high appreciation of both his patriotism and his ability that we are necessarily to go before him, on bended knees, and apologize for having refused to take action upon a measure which the whole people deprecate, and which the action of this Convention has deprecated. I, sir, cannot agree with the resolutions reported by a majority of this committee; and yet, sir, I may possibly vote for the resolution offered by the gentleman from Buchanan. Yet, even that does not go to the extent that this Convention should speak, if we speak at all.

Mr. President, I am sorry again, sir, to have intruded on the Convention, but I felt that my duty to myself and my constituents required that I should at least say this much.

Mr. Douglass. Mr. President, believing, sir, that the offer made by the President of the United States, in conjunction with Congress, is a liberal one, and believing that it is couched in respectful language, I believe also that it is entitled to a respectful response. I suppose, sir, there is no question among the members of this Convention as to the propriety of responding to the proposition. The only difference, I take it, is, as to the language we shall use in responding to the offer of the President. Now, the two propositions before the house differ in no essential particular. The reason assigned in the substitute proposed by the gentleman from Buchanan, is that this Convention has heretofore considered no propositions except such as are connected with the secession question; that is substantially the reason, but not the language. Now, I hold that that reason cannot be supported by any reference to the record and proceedings of this Convention. The record is established, beyond all controversy, that we have considered other propositions, and I need only refer to the action of the Convention on yesterday, when we adopted an ordinance, by a very large majority, fixing the day for holding the State elections to the Tuesday after the first Monday in November. It cannot be said that that grew out of the secession question. And now it is proposed to say to the President and Congress of the United States that we have not considered this proposition, because we have not considered any proposition except such as grew out of secession. I hold our very record would convict us of gross inconsistency. We cannot do it, and I do not wish the Convention to occupy any such attitude as that before the civilized world.

Now, as to the resolutions reported by a majority of the committee, they simply declare that the proposition is a liberal one. It is liberal, but these majority resolutions do not endorse the scheme proposed by any means. They merely say that the proposition is a liberal one, and we recognize and appreciate its liberality.

The second resolution goes further and says the majority of this Convention do not feel authorized at this time to take any action with respect to the President's offer. Surely, sir, there is nothing improper in this thing; we do not by a single word, letter, or sentence in this resolution endorse the proposition of the President. We simply recognize and appreciate its liberality. Now, for these reasons, I am in favor of the resolutions reported by the majority of the committee. The resolution of the gentleman from Buchanan is controverted by the record of our proceedings, and I cannot vote for it.

Mr. **Hall**. The gentleman doubtless remembers that the resolution only states that we take this action for the following, among other reasons.

Mr. **Douglass**. Exactly, and I think if this resolution is adopted and presented to Congress, they would be pointing to our own record and convicting us of inconsistency. Our own records would be thrown into our teeth, and we would be told that in refusing to take action on this subject we merely contradicted the very records of our proceedings. Sir, I cannot consent to place this Convention in any such inconsistent attitude. I hold that in responding to this invitation we shall do it in simple, but in respectful language, and we will not assign any reason for our action which is not sustained by fact and truth. Therefore I shall vote against the substitute.

Mr. **Howell**. We were called together to take into consideration the relations of the State of Missouri to the General Government, and to the other States of the Union. At the March session of the Convention we took those relations into consideration, and as far as this Convention could be authoritative on that proposition, we agreed with singular unanimity, and with only one dissenting vote, that I remember, on the disposition of that question at that time.

Now, Mr. President, this question could only be brought in here upon the hypothesis that slavery stood in the way of reconstructing or perpetuating the Union, or of suppressing the rebellion in the State of Missouri. That ground is not assumed by the President of the United States, nor is such a position argued or insisted upon by any gentleman on this floor. If, then, slavery stood not in the way of either of these two things, I hold it that it was a matter over which the President of the United States had no jurisdiction whatever, and as President of the United States he had no right at all to recommend it to the State of Missouri, or to any of the border slave States. But, sir, the President, at the same time he made that proposition, did not pretend to urge either that slavery was in the way of putting down the rebellion here, or of reconstructing the Union. He did not insist it was a matter over which he had any jurisdiction, but, on the contrary, expressly disclaimed any desire whatever to interpose in the domestic institutions of the country. Now, sir, this being the case, and it not bearing at all upon the sovereignty of the State, and it not being necessary in any degree whatever to act upon this hypothesis to vindicate the sovereignty of the State, I take it, either directly or indirectly, it is then a question over which we have no jurisdiction—which we have no right to force on the people of the State, and which we have no right to invite the people of the State to take into consideration. Therefore, sir, I cannot vote for the majority report. It states that it is a matter eminently deserving consideration of this body and of the people of the State. Now, I acknowledge if the people of this State are disposed to raise this question as a question of political economy, and to discuss it and dispose of it as they deem proper—it is a question that they have the right to consider and dispose of in their own way, and in reference to their own convenience and interests. But I hold, sir, that it is not one that we have a right to bring before the people. Holding these views, I think the proper response—if any should be made to the resolution, as recommended by the President of the United States, and passed by Congress—should be that this body has no jurisdiction of the question one way or the other, either to say that the people should not consider this matter, or to recommend to the people that they should consider it. If it is to be considered by the people, I think they should start it, for they are the only proper power in the State that has the right so to do. [Here the hammer fell.]

Mr. **Irwin**. I prefer the resolution as introduced by the gentleman from Buchanan, (Mr. Hall.) I think it is not liable to misconstruction. The only objection I see to the resolutions, as reported by the majority of the committee, is that they are liable to misconstruction.

But, sir, I rise for the purpose of saying a word with reference to a remark of the gentleman from Cooper, (Mr. Douglass,) in which he urged that if the Convention passed the resolution offered by the gentleman from Buchanan, it would be stultifying itself—that the assertion that this Convention had confined itself in the main to legislating upon those subjects that were agitating the public mind at the time the members of the Convention were elected, was not borne out by fact. Now, sir, the phraseology, as used by the Governor himself, is not that the action of this Convention has been entirely confined to one subject, but that *in the main* it has been addressed to this one subject, and to those things which naturally arose out of it. The gentleman from Cooper says that if we passed this resolution our records would condemn us—that our records will be inconsistent upon this point. Now, sir, that, as I consider it, is indirectly casting a reflection upon the Governor himself. He has stated in most emphatic terms that the action of the Convention has been mainly addressed to the one subject which it was elected to consider, and to those which naturally arose out of it—the very identical words used in the resolution offered by the gentleman from Buchanan. Now, if the Convention, in passing that resolution, is stultifying itself, and making for itself an inconsistent record—if it is stating, in fact, what is not true, then the Governor himself is guilty of the same thing. Now, I have no idea that the gentleman from Cooper intended to reflect on the Governor, but, nevertheless, they are susceptible of such a construction. As I said before, I shall vote for the substitute of the gentleman from Buchanan, and if that is voted down, I shall vote for —— [Here the hammer fell.]

Mr. SHACKELFORD of Howard. If we adopt the gentleman's substitute, can I offer a substitute for that?

The PRESIDENT. You can only offer it by way of amendment.

Mr. SHACKELFORD. I will read what I propose to offer: "The Convention having respectfully considered the message of the Governor on the proposition to pay for the slaves in the State of Missouri, and not doubting the patriotic motives of the Governor, we are unable to see the propriety of the action recommended; therefore,

"*Resolved*, That this Convention, representing the sovereignty of the people of Missouri, do not see in the action heretofore had on the subject of emancipation, anything which can be construed as tending in any way to relieve the Government of the United States from its obligations to protect, in their persons and property, without conditions, every loyal citizen of this State."

The PRESIDENT. The Chair is of the opinion that the proposition of the gentleman would not be in order.

Mr. RAY. I move to strike out the following words in the substitute: "While this Convention recognize the liberality of the Government of the United States in the action referred to." The substitute will be entirely intelligible and proper if these words are struck out, and my proposition is to strike out what is termed the recognition of the liberality of the President in making that proposition.

Mr. HITCHCOCK. Mr. President, it strikes me that the amendment to the substitute now before the Convention is a perfectly consistent carrying out of the *real* (I will not say intended) effect of the substitute itself, and I desire very briefly to suggest to this Convention what they will be doing in adopting either the amendment or the substitute. The Governor of this State thought proper not to mention this subject in his official message, wherein he called our attention at great length to the subjects of interest to the State. Certain action was taken in this body, and as certainly following, and, as I believe, a direct consequence of that action, the Governor sends a special message to this body. It purports to be an earnest recommendation to this body to adopt a resolution which shall be a response to the offer made by the President of the United States. The argument in favor of such action is based upon the ground of our obligations to the General Government—upon the ground of our salvation. It has been admitted by the gentleman from Buchanan that the offer made by Congress is one of unexampled liberality, and he urges us for our own sakes to adopt some respectful answer to the resolution of unexampled liberality adopted by Congress. Now, what is it proposed to do? A substitute is offered, and it barely and coolly alludes to the action of Congress, and purports to be not a response to the President, but to Governor Gamble. It strikes out Governor Gamble's own words: "unexampled liberality," and simply says, "we recognize the liberality of Congress—which in decency to the Governor could not be avoided—and then gives our reasons for not having taken action. We are, then, not answering the Governor's recommendation to do an act of courtesy, that decency and self-respect requires we should do, but, slighting it, we proceed to *apologize* for not having done something last week!

This Convention knows my sentiments upon the subject on which we acted last week. I have nothing further to say on that subject. I shall not complain here of the action of the committee, or a majority of the committee, in refusing to permit discussion on the subject that was then introduced, but I do believe, that, by our action then, we have tenfold aggravated discussion. Certainly, as far as those gentlemen are concerned, who, in good faith and honesty, desiring to prevent agitation, were prevented from adopting this course, they are now relieved from all obligations or restraints in this respect, at least as far as the action of this Convention is concerned. But on that point I have nothing further to say. I merely wish to call the attention of the Convention to the fact that the proposition now before the Convention *directly ignores* the very thing which the Governor requested us to do. Now, the Convention is aware that I submitted a resolution, and asked its reference to a committee. If gentlemen will read it they will find there was a most cordial submission on my part to the action of the majority of this Convention; that the resolution excluded any further discussion on the emancipation question, and that it directed itself precisely to the point to which the Governor directed it.

Sir, it is a very remarkable thing in the history of this session of the Convention—and it is a very remarkable thing, which the records of the Convention will prove, that the gentlemen who have most disclaimed the desire for agitation, who have most constantly denounced agitation, are the gentlemen who have most persistently forced the Convention to act on the very subject which they were so much afraid of; in proof of that I appeal to the records and debates of our proceedings. Now, if the Convention chooses to carry out the action which it recommended by the report of the majority of the committee, and which, though based on the one I had the honor of submitting to the committee, has struck out, in my opinion, two-thirds of the courtesy which was in it, (but which I shall vote for simply because it is the best I can possibly hope for,) why, so be it. But I ask in all candor, appealing to the good sense of the Convention, how far, as a question of self-respect, they expect to go when this body, by assuming to answer a proposition of the Governor, ignore or coldly allude to a proposition which gentlemen in debate admit to be one of unexampled liberality, but which by their votes they deny.

Mr. Sayre. It seems to me the criticism upon the action of the Convention in the effort to set aside the reasons given to us in the special message, are not very well founded. Objection has been made to the substitute, but what better, further, or more careful response could we possibly give? As to the complaint that this action would be inconsistent with our record, really, I am afraid, sir, it will cause a smile on the part of every member who hears the objection. If there has been any particular record with which it would be inconsistent, it would be very difficult to show it. The language used in the Governor's message is substantially correct. Our main object has been to act with reference to the purpose for which we were called together, and if other things have been done, they amount to nothing in comparison to the main action of this Convention since it was called into existence. But, sir, I simply make this point to show that the proposition as now presented covers the whole ground, and that the Convention can act upon it without any violence to their judgment. For myself I do not feel inclined to go for any other. My opinion is that the Government of the United States was not established to do away with slavery. Our fathers did not establish the Government for any such purpose, and any such scheme or proposition is unconstitutional. Sir, property is above and beyond all constitution and law. It does seem to me that this proposition, as it now stands, is sufficiently courteous. I recognize the sincerity of the motives of the President and Governor, but I cannot think that either Congress or the President will interfere with this subject, particularly after the pledges they have already given.

Mr. Woolfolk. I am in favor of the resolutions introduced by the committee, because they are consistent with facts, and more responsive to the resolutions of Congress than the amendment of the gentleman from Buchanan. What member on this floor will deny that the proposition of Congress is not worthy of due consideration? All admit that it is worthy of proper consideration; and why can we not admit collectively what none of us individually deny? Can any of us deny, too, that the proposition is not liberal? It does not propose to interfere with slavery in the States without the consent of the States—nor "even then" without fair compensation. Is not this liberal? We should remember that a mighty party at the North desire to abolish slavery without the consent of the States and without any compensation. This proposition did not emanate from that party—they are opposed to it; it is antagonistic to all of their principles. We should remember that the mass of the Northern people regard the institution of slavery with disfavor. As the gentleman from Buchanan (Mr. Stewart) says, "they have got the guns in their hands"—"the institution is in their power." And when I remember the passions aroused by this conflict, and the mighty element of ultraism at the North, I do commend the liberality and conservatism which does not propose to interfere with the institution of slavery, without the consent of the States, and without fair compensation. I do not mean to intimate that I am favorable to the proposition of Congress, but it should be treated with proper respect. I believe that treating this proposition in this manner will do more to destroy abolitionism than any other action the Convention can take. If they believed the States were willing to accept this proposition, they could not, with any show of justice, forcibly abolish slavery without compensation and without the consent of the States. The idea, too, of paying for the slaves would soon drive them from their ultra anti-slavery principles. To treat this proposition with disrespect will alienate many conservative anti-slavery men at the North, and drive them into the ultra party. For these reasons I shall vote for the resolutions offered by the gentleman from St. Louis.

Mr. Sol Smith. Mr. President, no member having seen fit to take notice of the remarks of the gentleman from Saline, (Mr. Marmaduke,) I feel impelled to enter my decided dissent to his assertion that the Governor has committed a *gross outrage* on propriety by sending in this message. I cannot sit here and by my silence appear to consent to the justice of such a charge.

What are the facts? The President had recommended and the Congress had passed a resolution to the effect that the United States ought to co-operate with any State which may adopt a system of gradual emancipation, giving to such State compensation for the inconvenience produced by such change of system. One of my colleagues (Judge Breckinridge) introduced an ordinance intended to be a response to this offer of the General Government, which the Governor has justly characterized as an act of unexampled liberality. What was done with that ordinance? Without permitting a word to be said, for or against it, except what was said and so well said by the member who introduced it—and that speech was only tolerated because the mover had the *right* to the floor, and could not, under parliamentary rules, be deprived of it until the expiration of his hour—refusing the favor asked by both of our Senators in Congress to be heard briefly, as they were obliged to leave for Washington next morning—the majority unceremoniously *tabled it*, or, to use the classical language of the Republican newspaper, "*killed it at first pop.*"

Is it strange that the Governor should think that a somewhat different treatment was due to a proposition made in all kindness? So far from the message being a gross outrage, or any outrage at all, I disagree so far with the *salty* gentleman as to consider the action of his Excellency eminently judicious and proper.

But while I cordially endorse the language of the Governor as to the unexampled liberality of the President and Congress, I can find no warrant in the Constitution to carry out the contemplated plan. Besides, the next President and a future Congress may be of opinion that the United States ought *not* to do the very thing the present Congress and President think "ought" to be done. For my own part, I don't see why the United States should be expected to aid us in getting rid of slavery, which is a State institution, and exclusively under State control. Congress and the President have rightfully nothing to do with it, yet their kind and liberal offer should be treated respectfully.

A great deal has been said about the *power* of this Convention to submit an emancipation ordinance to the people for their adoption or rejection. I admit freely we were not sent here to pass an emancipation ordinance, or even to submit such an ordinance to the people; for, assuredly, the subject of emancipation was not discussed in *my* district during the canvass for delegates; but while I would not like to vote directly upon the passage of an ordinance of that kind, (being uninstructed upon the subject,) I should feel no hesitation in voting to submit such an ordinance to the people for their adoption or rejection.

It will be remembered that the commissioners of the several States, appointed (by the Legislatures) for the purpose of amending the Articles of Confederation, without a particle of power to form a new Government, did go on and frame the Constitution under which this people have lived and prospered for eighty years. The Constitution so framed had no vitality, however, until adopted by the PEOPLE through their Conventions, who breathed into it the breath of life. We have an undoubted right in the same way to frame an ordinance of emancipation, and to submit it to our people for adoption or rejection; and if, as is said by some, there is a radical movement on foot to abolish slavery immediately in this State, and without compensation to owners of slaves, it appears to me that a conservative body, such as I take this to be, could not do better than to submit to the voters a conservative plan which would eventually rid the State of this peculiar institution. Such a plan could be devised, and slavery could be got rid of without cost to the State or the United States, and without causing any serious "inconvenience" either.

I announce myself as a *gradual* emancipationist, and do not intend to join in any radical movement, if such be made; on the contrary —— [Here the hammer fell.]

The PRESIDENT. The question is on agreeing to the amendment offered by the gentleman from Carroll (Mr. Ray) to the substitute offered by the gentleman from Buchanan.

The vote was then taken, and resulted—ayes 19, noes 46.

So the amendment was disagreed to.

Mr. BIRCH. (In explanation of his vote.) I shall vote for the amendment of my colleague because it is the very best I can do. Whether carried or not, I shall then vote for the substitute of the gentleman from Buchanan, as the very next best I can do. It is impossible to decide the question now. No man can do it in justice to his feelings, and, at the appropriate time, I shall offer an amendment which I think will express the exact truth.

Mr. BUSH. (In explanation of his vote.) I now for the first time understand the words of a gentleman on this floor a few days ago, and which then produced a smile, that he voted one way, but wished it had resulted in another way. I am, of course, for voting down all propositions and voting finally for the resolutions offered by my friend from St. Louis. But I would wish, if it were true, that the sentiments spoken on this floor are the sentiments of the majority of the people of Missouri. I would wish for the good of Missouri that they could all be voted down. I vote no.

Mr. CALHOUN. (In explanation of his vote.) Before I cast my vote I wish to make a few remarks. With all respect to this body, and to our high functionaries both State and national, for whom I have the highest regard, I would say we are transcending our duty entirely in this body. This question is one of momentous importance, and it is one in which every man, woman and child in the State is interested. It has been sprung upon us unexpectedly, at least to myself. Now it seems to me in the very inaugural of the President of the United States, he said he was opposed to the institution of slavery in the Territories, and that he never would interfere with it in the Territories where it existed. Another reason I may give from the message of our present Governor:

"If the Convention, assembled from all parts of the State, is satisfied that in the present condition of the public mind any proposition upon the subject of emancipation would produce excitement dangerous to the peace of the State, the statement of that as a reason for declining to act upon the offer of the Government ought to satisfy every person that such declension is not intended as any disrespect to any other body or officer."

Now, gentlemen, I think the position that my friend from Buchanan has taken is the proper one, and I shall support his proposition, not from any disrespect to the President of the United States or our Governor, but because I believe this is a question that should be left to the people of Missouri. If they want slavery abolished, they can speak out and act for themselves. How can they do it? By assembling a Convention purposely for the consideration of the subject. But we are not here to dictate to the people of Missouri what they shall do. I am ready to say that this proposition is a liberal one. There is no question about that, but it is wrong to agitate the slavery question in Missouri, from the fact that Missouri has proved herself loyal to the General Government, and, therefore, his Excellency the President of the United States could take no exceptions to our action here, because we mean no disrespect to him when we ask to be excused from the consideration of the proposition adopted by the Congress of the United States. Now, gentlemen, I hold we are doing wrong. We are exciting the public mind and dictating to the people of Missouri what they shall do with their private property. If any gentleman feels conscientious on the subject of owning slaves, he can emancipate them under the present law; but, sir, because he has a desire so to do, it is no reason why he should compel me to do it. Furthermore, I oppose any general scheme of emancipation on humane principles. I say we would be doing great injustice to the slaves. Those who have good masters are in a far better condition than we could possibly place them. Look at the State of Ohio and elsewhere, and you find the negroes are poverty stricken and in a most miserable condition. I passed through that State in 1836, and I found numbers that had been manumitted by my neighbors in Western Virginia. They were all in a most destitute condition, and at Chillicothe they hovered around me and said they would remain slaves with me for life. I told them I could not take them. Now this Convention has no right to dictate to the people of the State or tell them what they shall do, and we are travelling entirely away from our record in doing so. I hope the amendment of the gentleman from Buchanan will be adopted.

Mr. **Doniphan.** (In explanation of his vote.) Our Constitution has guaranteed to us the right to hold slaves, and there I am willing and anxious to leave it. But if circumstances, outside of legislative enactments, were to indicate that slavery is to be eradicated from the State, and the people think proper to sell their negroes, or liberate them for a sum to be paid by the General Government, then it is, of course, a pecuniary matter, and it is certainly eminently liberal on the part of the General Government. Therefore I shall oppose the motion to strike out these words. I think it a liberal proposition. It is a mere pecuniary one, and while I think emancipation should be left to its own course, still I can but think the proposition of the General Government is a liberal one, and I therefore vote no.

Mr. **Dunn.** (In explanation of his vote.) For the reasons mentioned by the gentleman from Clay (Mr. Doniphan) I vote no.

Mr. **Hitchcock.** (In explanation of his vote.) It is well understood that I shall vote against the proposition of the gentleman from Buchanan, but, if that proposition is to be adopted by the Convention, I want to see it adopted in such shape that it will be consistent with itself, and that it shall not undertake to do that which it does not do. In order to make it consistent, I vote aye on this amendment.

Mr. **Howell.** (In explanation of his vote.) The substitute is not precisely what I would undertake to offer if I were to draw one, but I am satisfied we will have to choose between the substitute and the majority report; I therefore vote no.

Mr. **Long.** (In explanation of his vote.) I believe a large majority of the members of this Convention think that the liberal offer made by the President of the United States and Congress to the people of Missouri is entitled to a courteous response. Then, as remarked by the gentleman from Cooper (Mr. Douglass), the only question in my mind is the most appropriate language for that response. I have listened with some attention to the report of the majority of the committee, and I also paid close attention to the resolution offered by the gentleman from Buchanan, and to the amendment offered by the gentleman from Carroll (Mr. Ray). But the resolutions offered by the gentleman from St. Louis seem to my mind a more appropriate response than any that has been suggested, and I shall therefore vote against all others.

Mr. **Orr.** (In explanation of his vote.) If I mistake not, the substitute quotes a portion of the message of Governor Gamble as an excuse for our non-action now. I say to the Convention, that, if you pass such a thing as that, you will not only do violence to yourselves but injustice to Governor Gamble, who never intended that this extract from his message should be construed in this way. Let me read from another portion of his message:

"If in the understanding of the Convention it was not contemplated by the people when electing this body, that it should ever act upon the subject of slavery in the State, and therefore such action would be improper; or if the Convention believes that the public mind is so agitated already that the proposal of any scheme of emancipation would produce dangerous excitement, there can be no objection to assigning either as a reason for abstaining from action upon the subject, and leaving it for a different body or another time."

Now the Governor never intended that the reasons that have been cut out of his message should be used for any such purpose as is here proposed, and the course of the gentleman from Buchanan in this respect, reminds me of a magistrate I once read of. The law book had laid down certain forms of administering an oath to a witness, "You, John Jones, do solemnly swear," &c., and whenever the magistrate had occasion to administer the oath to the witness, he always said, "You, John Jones, do solemnly swear," &c. I repeat, the Governor never intended that any portion of his message should be applied as the gentleman from Buchanan proposes to apply it. I shall therefore vote no.

Mr. **Phillips**. (In explanation of his vote.) The point is attempted to be made by members on this floor, that the real issue now presented for the action of the Convention is, whether we will receive, entertain, or act upon a proposition for the emancipation of the slaves. I do not consider that that is the question before this body. I do not believe that the Convention is called upon here to act upon the subject of emancipation at all, and the majority report simply presents the reason why we do not think it fit or proper to act on the subject of emancipation; and I do not hold that it is fair to be put in the attitude here, by giving a negative vote, of saying, I am in favor of the Convention acting on the subject of emancipation. The whole effect of putting the substitute in its present shape, is to present this Convention in a false attitude, and it is only a subterfuge, an evasion of what is presented by the majority report. The majority report expressly declares that we do not feel authorized to act on the subject of emancipation. But as a further objection to the substitute, it puts the Governor of the State in a false attitude. The Governor, as I understand it, is using the arguments here quoted from his message for an entirely different purpose from what is intended by this substitute. He uses the language here quoted from his special message, as I understand it, as a reason why the Convention should not act upon the subject of emancipation, as a justification for their refusal to entertain the proposition presented by the gentleman from St. Louis a few day.ago; but he does not assign that as a reason why this Convention should refuse to respond in a respectful and direct manner to the proposition of the President of the United States. The substitute, sir, is evasive. It is a subterfuge. It is not directly responding to the subject matter before the Convention for its consideration. The majority report is direct. It is a respectful response. It says we do not feel authorized to act upon the subject, and because the majority report is directly responsive to the issue presented to the Convention, I shall vote for it; and for the contrary reason, and for the reason that I have assigned, I shall vote against the substitute.

Mr. **Shackelford** of Howard. (In explanation of his vote.) I dissent from the words used in the original resolution, to the effect that the proposition of Congress is one of unexampled liberality. I represent a large slaveholding district, and I say, with the full knowledge that I represent the views of my constituents upon this subject, that they do not consider the proposition liberal. Why? They do not consider it as such because it is an appeal to their cupidity. If slavery in itself is wrong and a Christian duty impels them to set free their slaves, then I say it is an insult to offer to do what their duty requires. Then, if it is a duty to their country to emancipate, or if the preservation of their country requires that they shall liberate their slaves, then they will be ready to do it without any mercenary considerations. It is not liberal, but it is an appeal to their cupidity, and therefore I vote no.

Mr. **Stewart**. (In explanation of his vote.) I am one of those who believe, as has been stated on this floor time and again, that the institution of slavery is entirely a domestic institution which the Government of the United States has no right to interfere with. I have voted for no proposition here squinting towards the proposition that the Government of the United States has any right to emancipate the slaves. I believe, however, as a financial arrangement it is a proper question to go before the people of the State, and if the slaves ever are emancipated, I believe it should be done with a due regard to the slaveholders themselves. I am one of those who believe this war was not prosecuted on the part of the Government to abolish slavery or to interfere with the institution at all in the States.

The vote was then announced.

Mr. **Hall** of B. As some gentlemen seem to think that my substitute disagrees with the views of Governor Gamble, I move to strike out the words, "as expressed by Governor Gamble."

The motion was agreed to.

Mr. **Marmaduke**. I move to strike out of *the resolution all after the word* "emancipation." I desire to strike out the extracts from the message of Governor Gamble, because I do not endorse the argument made by the Governor. I desire to vote for the resolution, but cannot do it with the argument attached.

The motion was disagreed to.

Mr. **Dunn**. I move to strike out all after the word "resolved," and insert ——

The **President**. The motion is not in order.

Mr. **Dunn**. I will read my proposition for information:

Resolved, That the proposition of the President and Congress is entitled to a respectful answer, but the Convention is not inclined to act on the proposition, believing such action would produce excitement dangerous to the people of the State.

The **President**. The question is on agreeing to the substitute of the gentleman from Buchanan.

The ayes and noes were demanded and the vote resulted, ayes 30, noes 35, as follows:

Ayes—Messrs. Bass, Bast, Birch, Brown, Calhoun, Comingo, Doniphan, Donnell, Dunn, Drake, Flood, Hall of Buch'n, Howell, Hudgens, Irwin, Jamison, Kidd, Marmaduke, McDowell, Matson, Pipkin, Rankin, Ray, Ross, Ritchey, Sayre, Shackelford of H., Sheeley, Welch, and Woodson—30.

Noes—Messrs. Allen, Bogy, Breckinridge, Bridge, Bush, Collier, Douglass, Eitzen, Gravelly, Hendricks, Hitchcock, Holmes, How, Isbell, Jackson, Johnson, Leeper, Linton, Long, Marvin, McClurg, McCormack, McFerran, Meyer, Orr, Phillips, Pomeroy, Scott, Shackelford of St. Louis, Shanklin, Smith of Linn, Smith of St. Louis, Stewart, Woolfolk, and Vanbuskirk—35.

Mr. **Allen**, (in explanation of his vote). I prefer, Mr. President, to vote for the resolutions reported by the majority of the committee. I could vote, under similar circumstances, for the one offered by the gentleman from Buchanan, and just as readily. They both, as I understand them, embody the truth in reference to the position of a majority of this Convention; but I have always preferred, when a resolution or ordinance was offered, if the majority report answered the same purpose, and contained the same principles as the substitute, to vote for the majority report in preference to any other; and in giving my vote upon this proposition, I do not do it with the understanding that I do not endorse the principles, and, in effect, all that is said in the substitute. But as I conceive that the report of the majority of the committee contains about the same sentiments, and is about all that we should say at this time, I shall vote no.

Mr. **Bogy**, (in explanation of his vote). I am really sorry, sir, that I cannot support the substitute of the gentleman from Buchanan. I have read both, and it seems to me that the resolution of the gentleman from Buchanan does not cover the point entirely that we are aiming at, and having a preference for the other, and believing it more appropriate than the substitute, I vote no.

Mr. **Marmaduke**, (in explanation of his vote). I desire simply to say that I protest against the argument that is used in support of the resolution offered by the gentleman from Buchanan. I further protest against the statement that the proposition of Congress is a liberal one; but deeming this preferable to the majority report, and that we must choose between the two, I vote aye.

Mr. **McCormack**, (in explanation of his vote). After due reflection upon the matter, I am of the opinion that the original report, as it came from the committee, is the most appropriate one for this body to adopt. There has been a good deal of debate on the resolution. There has been a reference made to the action of this body, when an application was made, on the part of a gentleman from Georgia, to address the Convention, at its first session. I voted in favor of allowing that gentleman to address this body; but if any gentleman supposes that I, in voting that he should have the liberty of addressing this body, was in favor of the principles he inculcated, he very much misconstrues what my real intentions and views were. I did it out of courtesy to Georgia, who had been a sister State of ours, and who had accredited a gentleman to this State to address this body. I thought it was due to the State of Georgia to treat her Commissioner with respect, and, while I voted for that gentleman to address this body, and, while I was willing he should address this body, I was just as much opposed to the doctrines he inculcated as any man could be. I am in favor of this Convention and the people of Missouri replying, in respectful language, to the Government of the United States, in reference to this matter, and I think we owe it to ourselves, as well as to the Government of the United States, to answer this appeal to us, made by Congress and the President, in respectful language. I do not think, sir, it should be treated with contempt, neglect or disregard. It does not follow, sir, that because I am in favor of this that I am in favor of emancipation in Missouri, but it is because I believe the acts of the Government of the United States towards us justify us in saying that we owe it to the Government of the United States to treat that Government with profound respect. What is the indebtedness we have as a State to the Government of the United States? Since we have had existence as a State, and even prior thereto, that Government has protected us with arms and money, defended us on the frontiers, and protected us when a Territory from the barbarous savages that surrounded us. From that day down to this, every act of the Government has been that of kindness. Sir, they have not only done these acts, but they have assisted us in building up schools, and railroads, and various internal improvements, and I repeat that every act of the Government towards the people of Missouri has been of kindness. Therefore, it is proper and right for us to be respectful in our language towards that friend of ours. Had it not been for the Government of the United States during the war that has desolated our State, all of us would have been driven in exile from our homes. I say the people of Missouri owe a debt of gratitude to the Government of the United States that, in my opinion, they never will be able to pay.

I wish to allude to the remark of one gentleman this morning, who said that this was an appeal to the cupidity of his constituents. I cannot so understand it. It simply declares that if the people desire to rid themselves of slavery the Government will co-operate with them, and compensate them for the inconvenience to which they may be subjected by such a change of system. [Here the hammer fell.]

Mr. Hitchcock. An omission occurs in the resolution adopted by Congress, as reported by the committee. It should read, "giving to such State aid, to be used in its discretion," &c.

Mr. Ray, (in explanation of his vote). I shall vote for this substitute, and in doing so I do not desire it to be understood that I thereby endorse that part of it which recognizes the act of the President or Congress as one of liberality to the State. I do not so regard it; but, on the contrary, regard it as an act of unwarrantable interference with our domestic affairs, and for that reason I am opposed to it.

The vote was then announced.

Mr. Hudgens asked and obtained leave to publish the following speech in the debates, without reading it to the Convention:

Mr. Hudgens. Mr. President, for the first time during this session of the Convention, I claim the attention of the house while I briefly place myself upon the record with regard to the important measures under consideration. I have never been suspected of avoiding responsibility as a representative of my constituents, and when a faithful historian shall write the doings of this body, and the sovereign people shall again have the liberty to call us to account for our stewardship, I desire to stand or fall by my record. In the three former sessions of this Convention I have placed myself fully and fairly upon the record upon every measure; and, although I have had the misfortune (if misfortune it be) to be in the minority on most of the important issues, I am gratified to know that, since our last session, my district has been fully canvassed by my opponents, in my absence, with eighteen circulating petitions, and only *seven hundred,* out of *seven thousand* voters, are found to oppose my former representation. These seven hundred *voters* have, through their *special* representative, my colleague from Holt (Mr. Vanbuskirk,) who seems to have but little other business in this Convention than to make charges against my fidelity to my constituents, at each session, and then fall back into pitiable obscurity, presented a petition to this Convention for my expulsion. About one-half of these petitioners I know well, the other half I believe are fictitious names.

As to those I know, I am glad they have enrolled themselves against me, and informed this Convention and the people at large that I am not the man to represent them. They know me well, and have known me long, and they are correct in saying that I am not the man to represent them in this Convention. They know I am not a man of violence or bloodshed; that I am, and have *ever* been for peace, and opposed to all schemes of outlawry in my district; that I have no fellowship with men who seize their neighbor's hard earnings by force, without shadow of right, because they differ in opinion on the question of *slavery,* and their own *strong desire* to acquire property without compensation to the owners thereof. My district has been deprived, within the last year, according to various estimates, of not less than $2,000,000 worth of property. And conspicuous among these *petitioners* are the names of many charged with *taking their neighbors' property by force and arms, contrary to the peace and dignity* of the State of Missouri.

I know that I represent the will of two-thirds of my district to-day; and that, while every crime known to the laws of this land has been committed within the district, in the last year, those whose principles I represent have been quiet, peaceable, law-abiding citizens, praying to be let alone in the enjoyment of their constitutional rights. They have shed no innocent blood, nor robbed widows and orphans of their daily bread; they have deprived no man of life, liberty or property, but have stayed at home, when permitted—eaten their *own* bread, worn their *own* clothes, and rode their *own* horses.

But it is further charged by said petitioners that I have not been in my district for twelve months. I need only refer to my former speeches for a full explanation of the cause of my absence. For the special benefit of these petitioners, I will remind them, that, thousands of years ago, a certain man named Lot was compelled to leave his home and flee to the mountains, without permission to look back on its ruins, from the sins of *better* men than drove me and mine from our homes.

But as the special committee, appointed to consider this petition have reported against the petitioners upon their own showing, without any defence from me, I will not further trouble the house with the matter, but allow my friend from Holt to represent his petitioners, while I shall claim the honor of representing the remaining six thousand constituents who endorse my former action.

The journals of this Convention will bear me testimony that I have always opposed every infraction of the Constitution and laws of this State and United States, whether it came from Northern abolitionist or Southern fanatic. I have equally opposed coercion, because I believed it was an element that did not belong to our republican form of government, but in conflict with its fundamental principles. I believed that its strength was in the hearts of the people, and not in the bayonet; that it was a Government of compromise, formed by mutual concessions of the thirteen original colonies, for common defence against *foreign* powers, and that the power of the General Government was never intended to be used against its own colonies or States. The Declaration of Independence expressly avows, as a fundamental principle upon which the Government was being established, that no government could or would be tolerated unless by the *consent* of the governed. No other government could have been established, and it was for this principle of self-government that Washington fought, and freemen died. I opposed it, because I was not a man of war, notwithstanding I admit the right of revolution. I have, for years past, abandoned a lucrative profession, and proclaimed to my fellow-citizens the "glad tidings of peace on earth, and good will towards men," without earthly compensation or reward. I am opposed to all wars, except the one in which I have engaged all my life, against the "arch-traitor" and his "unholy angels."

When the "Provisional Government" was deemed necessary by a majority of this Convention, about one year ago, I opposed it for reasons then given on this floor. But when established, I then said, as I now say, that, however much I might disapprove of its policy and illegality, I would not resist it, except at the ballot-box. As Governor Jackson had been driven from the State, I was willing to give the Provisional Government a fair trial, and I have since rendered strict obedience to the "powers that be," and given to Cæsar the things that are Cæsar's. Forced by outlaws from my home to the city of St. Louis, I have remained there, in quiet submission to all the requirements of martial law, and there I expect to remain so long as I am protected and there is no protection from outlaws in my own district.

This Convention was empowered by the people to consider our relations to the General Government, in consequence of the secession of several sister States. It was the express understanding of the people that, if we, as delegates, should decide there was cause for Missouri to withdraw from the Union, we should so report to the people for their action. At the first session, we decided there was no sufficient cause of separation at that time. We, therefore, fully discharged the trust delegated to us by the people, and should have adjourned *sine die*, and so I voted, believing we had no further commission to act for the people. If I was right, then every subsequent act of this Convention has been by virtue of power *assumed* by the Convention, and not delegated by the people. Whether I was right or not, the people have so decided, and have deliberately repudiated every subsequent act; and this Convention, after submitting their acts to the people for approval, went far enough to see, written in legible characters on the wall, *Mene, mene, tekel, upharsin*, and with smiting knees, withdrew them from the condemnation of the people. If we admit that the Convention could legally exercise powers other than those expressly delegated by the people, then, we respectfully ask, is it not a great *abuse* of *power* to refuse to submit our acts to them, because, forsooth, we know the people, whose agents we are, will repudiate them.

Shall we, in this great State of Missouri, in this land of the "West," where liberty is supposed to be as boundless as our extensive country, proclaim to the world, after living eighty-six years under the delusion that the people were capable of self-government, that the "Declaration" of *our fathers* is false, and the Constitution of our country as worthless as *cobweb*. But yesterday, on this floor, a distinguished gentleman, who acts with the majority of this body, declared his policy to be, if I understood him, that if the Constitution came in the way of this Convention, to break it like *cobweb*. Sir, is this the kind of Government we are to have in this "*restored Union*" of our fathers? Shall *forty members* of this Convention possess self-perpetuating power in office, and *their will* be substituted for *our* Constitution? Sir, if we thus disregard the Constitution, what limit is there to our power? If we have the power to do legally what we have done, what is it that we could not do? We have drifted to strange conclusions, and are upon an unknown and stormy sea. When the mariner is cast, with his bark, on the great bosom of the ocean, the harder the storm rages the closer he clings to his vessel and his compass, as the only means of safety and of knowing his whereabouts, and into what breakers he is drifting. So, in the midst of this great revolution, we ought to cling to the Constitution and landmarks of our fathers, as the *only* guide, that we may know where we are drifting, and where we will land. But, "Oh! shame where is thy blush," when men on this floor, and others, occupying high positions on the great ship of state, upon which rest the lives and destinies of our people, will recommend the destruction of our only safeguard, as "cobweb," and trust our fate to an unknown sea at a time when madness rules the hour!

Thus I have carefully considered the doings of this Convention, and have felt it my duty to vote against every leading measure since the first adjournment, believing they were in violation of the Constitution of the State, and infringements upon the liberties of the people. I have attended each call, because I desired to protest against its unauthorized action, and share my responsibility.

I opposed the deposing of the officers of State and Legislature, because I believed the act unconstitutional and an unwarranted assumption of power. I refused to assist in filling the offices thus vacated, because I did not believe that they were constitutionally vacant, for the reason then given; believing then that no good would result from a Provisional Government and a mixture of civil and military power. I believed that the question had to be settled by the bayonet and such gigantic armies as the world never before had seen. I knew a Provisional Government would only complicate matters by doubling the rulers and difficulties of the people without corresponding good; that if we must have another Government, that a strong Military Government would better preserve the peace and quiet of the State, supported by the Treasury of the General Government, than a Provisional Government necessarily weak, without resources, and generally repudiated by the people. A year's experience has proven that I was right. It has not been able to protect its citizens in life, liberty, or property, and but for the presence of Federal forces could not protect itself.

The first act of the Governor was to proclaim pardon to all rebels that would lay down their arms and return to their allegiance. Have not hundreds of them returned and claimed protection under the proclamation.

The Convention also offered pardon to the same class of persons, and how have we extended it? After they have complied with our terms, by oaths and pledges obtained from them by our mutual pledges of full pardon and protection—now that we have them bound hand and foot, we have disfranchised them, in violation of the solemn pledges of both the Governor and Convention, and now laugh at their folly and weakness in expecting the mercy that we promised.

The tenth section of the third Article of the Constitution of the State provides that: "*Every* free white male citizen of the United States who may have attained to the age of twenty-one years, and who shall have resided in this State one year before an election, the last three months whereof shall have been in the county or district in which he offers to vote, shall be deemed a qualified elector of all elective offices," &c. Yet, in addition to the violation of our pledges of pardon, we have disregarded our solemn oath to preserve inviolate this right vested by the Constitution.

Forty members, being a majority of this body, have further declared that no one shall run for office, or vote at any election, unless he surrenders his constitutional rights and endorses by solemn oath the *will* of this Convention.

Article third of the amendments to the Constitution of the United States, and sections four and five of Article thirteen, Constitution of

Missouri, alike prohibit any interference whatever with the liberty of conscience and freedom of religious sentiment. In former days, when men in authority respected those bulwarks of the rights of the people, millions of the best citizens of our land daily thanked our Creator that under *our Government* we could "worship God according to the dictates of an enlightened conscience, and *none* dared to hinder or make them afraid." But this Convention, without the fear of the people or God before their eyes, possessing or usurping self-perpetuating powers in office, have laid their violent hands upon these sacred and time-honored constitutional guarantees, and declared them as "cobwebs" in their power. Not satisfied with assuming the powers of the civil government of the people, they insult the God of the Universe by assuming to dictate to his people upon what terms and in what manner their worship in part will be allowed. Even ministers of the sanctuary, who have labored all their lives preaching "peace on earth and good will towards men," obeying all law human and divine, have been violently abused on this floor, because, forsooth, they worship God according to their own will and His laws, instead of the will or political creed of this Convention. So violently are they denounced here, without discrimination between good and bad, that the gentleman from St. Louis (Mr. Smith) called on me yesterday to defend these *unarmed preachers*. They need no defence here—I mean that portion that differs with this body. Their "kingdom is not of this world;" their cause will be plead in a higher court, and not before this body as a jury; and while they will look upon the proceedings of the members of this body with mingled pity and regret, they will petition an All-wise God to "forgive them, for they know not what they do." I commit their defence in the hands of *Him* who has said "Vengeance is mine, and I will repay."

With a large religious element in our State thus troubled in their sacred rights; with at least one hundred thousand voters disfranchised by the assumed authority of this Convention; and with the prevalent anti-slavery feeling displayed in resolutions and speeches in this house, showing clearly where the present *assumed* custodians of the people's sovereignty were drifting, I voted to postpone the election of members of the Legislature and Congress from August until November. I believed that an election now would only put upon the people a new swarm of hungry officers to eat out our substance—opposed to the will of the people, the yeomen of the country, and necessarily Black Republicans, hostile to the most vital interest of the State. The people have no power now to avert it, and hence I desired to put off the mere farce of an election, in which only the Black Republican or Abolition party of the State could participate, until sovereignty was again restored to the people. I hope there will be no elections held in the State until freemen can exercise their inalienable rights under the Constitution, and by virtue of their sovereignty assume the reins of the Government.

I regret to see the great and vital interests of the State placed in the hands of known enemies to one of our institutions. I regret to see that abominable "higher law" doctrine of the abolition party, which prevails over and is superior to Constitutions, find efficient advocates upon this floor; and that schemes for the abolition of slavery are boldly advocated, in violation of our State Constitution. If these schemes succeed—and I must confess I see no means of averting them under present rule—our State is ruined. The hardy yeoman who has spent the prime and vigor of his youth in felling the forest and providing a home for his old age, must now yield his right of suffrage, then his property, and finally his home.

And this, gentlemen, is the process by which you propose to "restore the Union." I would to God I could see some adaptation of your proceedings to the end desired. No one desires a restoration of the ancient order of things more than I do; and if I could only persuade the "powers that be," here and elsewhere, to appeal to the hearts instead of the prejudices of the people, and to return to the Constitution and teachings of our fathers, wipe out *every* law of *every* State, in violation of the *magna charta* of our liberties, I would then have more hope of success. A government like ours, established in the hearts of the people, never can be held together by the bayonet. The tender chords of the heart are never touched except by acts of kindness, which "heap coals of fire on the head." If the rulers of our land could only be checked in their mad career, and adopt the weapon of our fathers, and the immortal Clay, of *compromise*, appeal to reason and the memory of our *fathers* instead of the bayonet, we should soon have peace and prosperity throughout our land. Our swords would be beat into plowshares, and our spears into pruning-hooks, and we would learn war no more.

Mr. **Hall**. As many of us are anxious to get away at half past twelve, and as I think the subject has been sufficiently discussed to enable us to understand it, I move the previous question.

Mr. **Hitchcock**. I hope the gentleman will withdraw it.

Mr. **Breckinridge**. I am ready to vote for the motion, but I do not desire to prevent further discussion if any gentleman wishes.

Mr. **Hall**. The only way by which we can get to a vote is to move the previous question.

Mr. **Breckinridge**. I am not willing to have the subject postponed until to-morrow by a failure to sustain the previous question.

Mr. **Hall**. Well, what do you say?

Mr. **Breckinridge**. If the question can be sustained, I hope it will be taken.

Mr. **Birch**. I will call the ayes and noes.

Mr. **Hall**. At the request of the gentleman from St. Louis, I will withdraw my motion for the previous question.

Mr. **Birch**. I will now offer the following as a substitute:

Resolved, That the lateness of the period for the consideration of the momentous questions alluded to, renders opportunity for discussion thereon impracticable under the rule adopted for closing the proceedings of this body, and for this and other reasons the proposition of the President and Congress is respectfully postponed.

One word, Mr. President. First: I impute nothing improper to the Governor at all. I leave to the Governor the consideration of his duty, as I leave to every member of this body the consideration of his duty. It is incontestibly true that this message has only been laid upon our table since the adjournment yesterday evening. This morning, in view of the action before us, we solemnly resolved that debate should be limited to five minutes, and I ask now whether a question of so much magnitude and importance as the one now before us can be decided in justice to the people of Missouri and to ourselves in five minute speeches during the course of this day. If it can, then let gentlemen vote so. I repeat again, that I think I am sufficiently explicit in my feelings towards the Governor. I intend no disrespect towards him. He may have had good reasons for not suggesting this on the first day of the session. Under the resolution which cuts off debate I am frank to say, although I have given the subject a good deal of consideration, I cannot give my views upon the subject or calmly reflect upon the matter as I could wish. A single word further and I will sit down. I have been treated with such eminent courtesy by this body, that I do not regard the present confusion as arising out of any disrespect to myself.

The **President**. Gentlemen must preserve order.

Mr. **Birch**. I would be impatient under similar circumstances. We are all anxious to adjourn, and the surrounding circumstances well illustrate how utterly impossible it is to calmly consider and discuss this question as it deserves to be considered and discussed. My proposition is a simple statement of the truth—that owing to the lateness of the period and the want of time, we respectfully decline to consider the subject. This will do no one injustice and will do ourselves justice.

Mr. **Hall**. I renew my motion for the previous question.

The motion was agreed to.

The ayes and nays were demanded, and the vote resulted: ayes 37, noes 23, as follows:

Ayes—Messrs. Allen, Bogy, Breckinridge, Bridge, Bush, Collier, Douglass, Eitzen, Gravelly, Hendricks, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Johnson, Leeper, Linton, Long, Marvin, McClurg, McCormack, McFerran, Meyer, Orr, ~~Phillips, Pomeroy~~ Rankin, Scott, Shackelford of St. Louis, Shanklin, Smith of Linn, Smith of St. Louis, Stewart, Woolfolk, and Vanbuskirk—37.

Noes—Messrs. Bass, Bast, Birch, Brown, Calhoun, Comingo, Donnell, Dunn, Drake, Hall of Buchanan, How, Marmaduke, Matson, McDowell, Ray, Ritchey, Ross, Sayre, Shackelford of H., Sheeley, Welch, Woodson, and Zimmerman—23.

So the resolutions offered by Mr. Breckinridge were agreed to.

Mr. **Brown**. (In explanation of his vote.) In recording my vote I would merely say, that I do not understand the President or Congress as requiring any response from this body. The emancipation project was recommended by the President to Congress, and a law passed merely to the effect, that the General Government would co-operate with any State that might choose to adopt the measure; but no response was asked or expected from this body at the present time, and should not be expected or given.

Mr. **Hall** of Buchanan. I have great respect for the President of the United States, and would do anything I could consistently with my views to afford him gratification, but believing the resolution is substantially an endorsement of his proposition, I vote no.

Mr. DUNN. (In explanation of his vote.) Mr. President—In order to keep myself right on the record, I will state that my position is indicated by the resolutions which I desired to offer as a substitute, but which, under the operation of the previous question, were ruled out of order. The resolutions which I desired to offer are as follows:

Resolved, That the proposition made by the Government of the United States to aid any State that may adopt a scheme of emancipation, is entitled to a respectful answer.

Resolved, That the Convention declines to accept the proposition, because the Convention ought to confine itself to the measures upon which the people at the time of the election expected them to act; and because the acceptance of the proposition, in the present condition of the public mind, would produce excitement dangerous to the peace of the State.

Entertaining these opinions, and dissenting from the resolutions under consideration, so far as they differ from these, I will vote against the pending resolutions.

Mr. HENDRICKS. (In explanation of his vote.) I do not think that these resolutions are an endorsement of the proposition of the President of the United States, and I therefore vote aye.

Mr. MCCLURG. (In explanation of his vote.) As the Convention is anxious to adjourn, I will give the explanation of my vote to the reporter.

The following is the explanation: I desire for the first time to explain my vote, as the "black snake" has been again thrown into our midst, and I, for one, have no doubt such scenes as we have witnessed will be repeated until the fangs of the snake are known to have been extracted. I am ready to vote accordingly. We were called together to consider the relation of this Government to the General Government, and to transact and perform all things necessary for the direct and vital interests of the State—of the whole State—this will not be denied—not for the supposed interest of a few slaveholders. We have acted upon a revenue law, and could very properly have taken up the subject of gradual emancipation, to be presented to the people, for the reason that our credit as a State, and I might say individuals, depends upon it. But this is not now the time to discuss that proposition. But I take this occasion to say that this Convention, by their action, has presented the question to the people. When you attempt to stifle the voice of a free people they will begin to investigate for themselves, and I wish it to be distinctly understood that I am one of the people; and that this question will be presented to the sovereigns of the land, and that I, for one, will use my utmost exertions for the election of an emancipation General Assembly at its next session, with the fullest conviction that all the material interests of this State will suffer, languish, and die, until the curse of slavery be removed or placed in a way of gradual extinguishment. Slavery, sir, is the cause of our being here, the cause of having been in the first place called. Such Conventions have been convened in no free State. The cause of the rebellion itself is slavery, as the rebellion has extended to no free State. It will not be difficult to present these and other facts to the people, and to show them plainly and unmistakably, that the masses, by all past action, in this State, have been laboring to uphold for a contemptible few, an institution that is blighting and withering in its effects and destroying the substance of the many.

I, therefore, have favored taking the most respectful consideration of the proposition of the President and Congress, and therefore now favor the report of the majority committee. I, therefore, vote aye.

The vote was then announced as above.

The bill in relation to the Register of Lands was taken up and passed.

After passing the customary complimentary resolutions to the officers, the Convention adjourned *sine die*.